

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
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)

Implementation of Section 621(a)(1) of the)
Cable Communications Policy Act of 1984 as)
amended by the Cable Television Consumer)
Protection and Competition Act of 1992)
_____)

MB Docket No. 05-311

COMMENTS
OF MICHIGAN MUNICIPAL LEAGUE (MML), MICHIGAN TOWNSHIPS
ASSOCIATION (MTA), MICHIGAN COALITION TO PROTECT PUBLIC RIGHTS-
OF-WAY (PROTEC) AND MICHIGAN-NATIONAL ASSOCIATION OF
TELECOMMUNICATIONS OFFICERS AND ADVISORS (M-NATOA)

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February 13, 2006

EXECUTIVE SUMMARY

The Michigan Municipal League (MML), the Michigan Townships Association (MTA), the Michigan Coalition to Protect Public Rights-of-Way (PROTEC), and the Michigan-National Association of Telecommunications Officers and Advisors (M-NATOA), (together referred to herein as the “Michigan Coalition”) respectfully submit these Comments in response to the Notice of Proposed Rulemaking, FCC 05-189, released by the Commission on November 18, 2005 (“NPRM”)¹

Specifically, the Michigan Coalition welcomes this opportunity to:

- Respond to the questions posed by the Commission in the NPRM and demonstrate in answering those questions that the Congress delegated no authority to the Commission over local franchising. Specifically,
 - In enacting the Cable Act, Congress resolved the franchise debate in favor of local government;
 - The Cable Act explicitly recognizes local governments’ authority to meet community needs through the franchising process;
 - Congress did not empower the FCC in Section 706 to interfere with cable franchising; and
 - A review of case law demonstrates an absence of local franchising authorities unreasonably refusing to grant a competitive franchise.
- Educate the Commission and other parties on the powerful legal and proprietary rights Michigan communities have over their rights-of-way, rights that are preserved in the state’s constitution and reaffirmed less than six months ago by the state legislature with respect to the need for a local exchange carrier to obtain a franchise.
- Share with the Commission the results of a survey of 95 Michigan franchising authorities to examine what franchise terms were important to them and to

¹ A detailed description of each of the parties is found infra at n. 2 through 6.

demonstrate the range of unique interests and needs within the state of Michigan.

The survey also unearthed a history of fostering choice in Michigan communities as witnessed by the wide-spread practice of awarding competitive franchises, many of which would be surrendered by the same company that today claims franchising to be a burden.

The Coalition is confident this factual and legal record will lead the Commission to conclude that there is neither a marketplace need nor a legal basis for Commission action in the cable franchising arena and the Commission should decline to intrude into local cable franchising.

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TELECOMMUNICATIONS OFFICERS AND ADVISORS (M-NATOA)

I. INTRODUCTION

The Michigan Municipal League (MML²), the Michigan Townships Association (MTA³), the Michigan Coalition to Protect Public Rights-of-Way (PROTEC⁴), and the Michigan-National

² The Michigan Municipal League is the Michigan association of cities and villages. The League is a nonpartisan organization working through cooperative effort to strengthen the quality of municipal government and administration by providing technical assistance and information to local officials regarding municipal issues; improving the training and education of these officials; preserving the home rule philosophy of municipal government, and creating a greater public understanding of municipal responsibilities, governance, and administration.

³ Organized in 1953, the Michigan Townships Association is the largest local government association in Michigan and one of the largest in the United States. More than 6,500 elected township officials rely on MTA to not only effectively champion local authority, but to also help them build the capacity to serve their growing populations efficiently, effectively and economically.

⁴ The Michigan Coalition To Protect Public Rights-Of-Way was formed in 1996 by several Michigan cities interested in protecting their citizens' control over public rights-of-way, and their right to receive fair compensation from the telecommunications companies that use public property. The membership of PROTEC has grown to several dozen Michigan communities.

Association of Telecommunications Officers and Advisors (M-NATOA⁵), (together referred to herein as the “Michigan Coalition”) respectfully submit these Comments in response to the Notice of Proposed Rulemaking, FCC 05-189, released by the Commission on November 18, 2005 (“NPRM”)⁶.

Michigan citizens and local governments have benefited greatly from a franchising system which protects local government’s stewardship and property rights, compels adequate customer service to consumers, and addresses local community needs and interests of all residents equally through local programming and communications technologies. The Michigan Coalition believes that it is not alone in the positive and important story it can tell the FCC as a result of local franchising and the need to preserve and extend the system to new video providers such as AT&T (formerly SBC), just as it has in the past to other competitive providers. The Michigan Coalition files these comments to remind the Commission that the U.S. Constitution protects local governments’ property rights in the public rights-of-way. The Constitution also protects the federal form of government, reserving to states and local governments all powers not expressly delegated to the federal government, including all authority to manage use and disruption of local public rights-of-way. National broadband or advanced services policy may not preempt the U.S. Constitution and must recognize the rights of local governments under Title VI of the Communications Act (“the Cable Act”). Specifically, the Michigan Coalition welcomes this opportunity to:

⁵ Michigan-National Association of Telecommunications Officers and Advisors is a professional organization of NATOA, a national organization working with local government agencies to provide up-to-date information on local and national legislation to help maximize the effective use of cable and telecommunication systems.

M-NATOA is dedicated to improving cable and telecommunication service throughout Michigan.

⁶ *In the Matter of implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984, as amended by the Cable Television and Consumer Competition Act of 1992*, MB Docket No. 05-255, Notice of Proposed Rulemaking (released November 18, 2005).

- Respond to the questions posed by the Commission in the NPRM and demonstrate in answering the questions that the Commission has no authority to interfere with local government franchising of cable services;
- Educate the Commission and other parties on the powerful legal and proprietary rights Michigan communities have over their rights-of-way, rights that are preserved in the state's constitution and reaffirmed less than six months ago by the state legislature.
- Share with the Commission the numerous benefits local cable franchising has achieved for their citizens in the State of Michigan while demonstrating a history of fostering choice by awarding competitive franchises, many of which would be surrendered by the same company that today claims franchising to be a burden.

The Coalition is confident this factual and legal record will lead the Commission to conclude that there is neither a marketplace need nor a legal basis for Commission action in the cable franchising arena.

II. THE COMMISSION HAS NO AUTHORITY OVER LOCAL FRANCHISING

The Commission solicits comment on how it “should implement Section 621(a)(1) of the Communications Act of 1934....” NPRM at ¶ 1. The Commission takes such actions having “tentatively conclude[d it] has authority to implement Section 621(a)(1)’s directive that LFAs not unreasonably refuse to award competitive franchises.” NPRM at ¶15.⁷

The Michigan Coalition respectfully disagrees with the Commission’s tentative conclusion that it has any authority over the franchising process. For that reason, the Michigan Coalition rejects all additional conclusions the Commission builds on that original erroneous

⁷ The Commission’s specific finding is that it may preempt and supersede any law or regulation based on its interpretation of authority “granted under Section 621(a) and 636(c) of the Act, and under the Supremacy Clause....” NPRM at ¶ 15.

premise. As shown above, local franchising authority predates the Cable Act and the Commission. Congress preserved local governments' franchising authority over incumbent and competitive providers in § 621(a)(1). Further, Congress established the courts as the arbiters of any claims by an unsuccessful franchisee of unlawful franchising practices. As the Commission itself observes, Congress rejected the FCC's suggested text for amending Section 621(a)(1), and in so doing rejected any notion that the Commission was empowered to take the actions it contemplates in the NPRM.⁸

The Michigan Coalition supports, and indeed by reference incorporates, the joint filings of the National Association of Telecommunications Officers and Advisors (NATOA), the United States Conference of Mayors, National League of Cities, and the National Association of Counties.⁹ Congress delegated no authority to the Commission to implement or review challenges under Section 621 (a)(1) and reserved that authority exclusively to the courts. The Michigan Coalition supports and incorporates herein the arguments expressed in that joint filing, including the conclusion that a proper reading of current federal communications law and the application of the Supremacy Clause of the U.S. Constitution does not support any Commission authority to preempt state or local government action in regard to the award of cable franchises.

In support of the filing of these local government organizations, the Coalition adds the following.

⁸ See NPRM at n.20.

⁹ The Coalition also supports the sentiments of Senators Burns and Inouye, as expressed in their list of principles recently published. *See* Lynn Stanton, BURNS, INOUE SLAM DEFINITION 'ARBITRAGE' IN VIDEO FRANCHISING REFORM PRINCIPLES, TR Daily, February 2, 2006. ("Federal legislation on video franchising reform should maintain a role for local governments while eliminating unnecessary procedural delays and maintaining competitive neutrality, regardless of the technology used, according to two powerful members of the Senate Commerce, Science, and Transportation Committee.")

A. In Enacting the Cable Act, Congress Resolved the Franchise Debate In Favor Of Local Government.

In 1984, Congress adopted the Cable Act, 47 U.S.C. § 521 *et seq*¹⁰. The Act was intended to “establish franchise procedures and standards which encourage the growth and development of cable systems and which assure that cable systems are responsive to the needs and interests of the local community.” 47 U.S.C. § 521. In many ways, the Cable Act resolved a multi-year debate over the role of cable franchising and cable regulations. It set:

- The appropriate scope of cable regulation;
- The scope of Federal Communications Commission authority over cable systems; and
- The appropriate level of governance (federal, state or local) for various regulatory responsibilities.¹¹

Congress answered these three questions recognizing traditional local government authority over public rights-of-way and the right to franchise those rights-of-way. In addition, Congress allocated responsibility for cable regulation between the federal and local governments. Local governments have significant inherent authority over their rights-of-way. Congress recognized this responsibility and placed local government in the best position to ensure cable systems served their community interest.¹²

¹⁰ Cable Communications Policy Act of 1984, Pub. L. No. 98-549, 98 Stat. 2779, codified as 47 U.S.C. § 521, *et seq*. (“Cable Act”).

¹¹ It should be noted that the Commission, like many federal entities, tends to analyze governmental authority over cable in terms of “regulation.” It must be kept in mind, however, that the property rights of local governments are also involved, as shown above, and that the exercise of property rights is not “regulation” as the term is normally used.

¹² The Commission to its credit in the NPRM recognized this conclusion of the Congress. *See* n.18 which provides some of the pertinent legislative history. “[This legislation] will preserve the critical role of municipal governments in the franchise process... It is the Committee’s intent that the franchise process take place at the local level where city officials have the best understanding of local communications needs and can require cable operators to

B. The Cable Act Explicitly Recognizes Local Governments' Authority To Meet Specific Community Needs In The Franchising Process.

In the NPRM at ¶ 10, the Commission states that it seeks “to determine whether, in awarding franchises, LFAs are carrying out legitimate policy objectives allowed by the Act or are hindering the federal communications policy objectives of increased competition in the delivery of video programming and accelerated broadband deployment....” While the Coalition will address this issue in greater detail below, Congress left no doubt in adopting 47 U.S.C. § 521 that a franchising authority, not the FCC, is best positioned to establish franchise procedures and standards which encourage the growth and development of cable systems and which assure that cable systems are responsive to the needs and interests of the local community.¹³

Further, the “growth and development of cable systems” is not the only objective that matters, and Congress recognized that the local franchising authority – not the FCC – was in the best position to achieve the proper mix of these objectives. For example, Congress specifically

tailor the cable system to meet those needs.” H.R. REP. NO. 98-934. at 24 (emphasis added). Interestingly, the Commission makes much ado in footnote 23 regarding a defeated detailed version of §541(1)(a), but draws the wrong conclusion. When Congress rejected the proposed language, they empowered an LFA to apply the same standard for the grant of a second franchise, as it had imposed on a first. Congress did find the local government could and would properly balance the needs of consumers with the claims of the competitive provider.

¹³Congress did limit local authority over cable operators in specific areas. But franchising is not one. For instance:

- The Cable Act limits government authority to require cable operators to carry specific, commercial programming.
- The Cable Act limits, but does not eliminate, local authority to regulate rates.
- The Cable Act states that no locality may “prohibit, condition, or restrict a cable system’s use of any type of subscriber equipment or any transmission technology.”
- The Cable Act states that a locality may not, as a condition of granting or renewing a cable franchise, “require a cable operator to provide any telecommunications service or facilities, other than institutional networks.”

recognized that local communities could use the franchising process to require the cable operator to:

- *Pay a franchise fee of up to 5% of the gross revenues derived from the operation of the cable system to provide cable services.* 47 U.S.C. § 542.
- *Submit a proposal for facilities, equipment and services adequate to meet the cable-related needs and interests of the community.*¹⁴ 47 U.S.C. §§ 546, 541(a)(4), 544(b).
- *Build an institutional network,¹⁵ and to dedicate capacity on that network for educational and government use.* An institutional network can replace expensive phone lines that might otherwise be required, and can significantly enhance a local government's communications capabilities.¹⁶ *Id.*, 47 U.S.C. § 531.
- *Provide channels, facilities, equipment and capital support for public, educational and government use of the cable system.* Thus, for example, many franchises require the operator to provide channels, equipment and studios that non-profit groups and others can use to produce programming. PEG requirements can significantly enhance the ability of government, schools, non-profits and others to deliver information to the community cost-effectively.¹⁷

¹⁴ See, e.g., Appendix A.

¹⁵ An institutional network is a portion of the cable system designed primarily to serve customers other than residential customers. In many communities, operators have agreed to construct institutional networks that link schools, libraries and other government buildings. These links are then used for voice, video and data transmissions, and to provide connections to the Internet.

¹⁶ See, e.g., Survey Responses for Bloomfield, Chesterfield Township, Grand Rapids, Howell, Meridian, Pontiac, Southfield, Waterford and Warren. Still only about one in every three respondents required the cable operator to deploy and I-Net, testament to the fact that LFAs do not seek to gold plate their systems but to meet specific and unique community needs. Appendix A.

¹⁷ See, e.g., Survey Responses in Appendix A.

- *Define where an operator must serve, so long as the LFA allows a reasonable the time for build-out of the system.* 47 U.S.C. § 552(a). Some franchises require the operator to construct its system so that it can provide service to all residences in a community; some require that the system be constructed so that it can serve all businesses and residences; and some require operators to serve all areas with a certain population density. The point is that each community is in a position to ensure that service is available as broadly as is required by the needs of the individual community.¹⁸

The Commission, therefore, cannot find as a matter of law that an LFA is acting unreasonably unless the complaining party can demonstrate that the LFA request is for something other than that specifically authorized by Congress, including: I-Nets, PEG capital, facilities and channels, a build out schedule, a bar on redlining or a franchise fee. Congress specifically authorized each of these franchise terms, thereby making such requests reasonable and they cannot be ruled out by lesser federal authorities (without limitation as to other benefits not specifically recognized, but not prohibited, by the Cable Act).

¹⁸ See, e.g., Survey Responses showing 82% of responding communities maintain some build-out or density requirements of their franchisees amounting to “universal service” (Appendix A). See in particular Albion and Grand Rapids summaries; *see also* NPRM at n.20, which recounts congressional rejection of an FCC suggested limitation on universal buildout for a competitive provider.

C. Congress Did Not Empower the FCC in Section 706¹⁹ to Interfere with Cable Franchising.

The Commission asks “given the relationship between the ability to offer video programming and the willingness to invest in broadband facilities” does Section 706 empower the Commission to act in Section 621(a)(1) claim of unreasonableness. NPRM at ¶ 18. On the contrary, Section 706 has no role to play in the franchising process.

A franchise is the principal means by which government grants private entities the right to use public property. Local and state governments are the primary managers of the public rights-of-way. As utilities began to emplace permanent facilities in those rights-of-way, communities required each utility to obtain a specific authorization to use the real estate. This authorization was classified as a franchise, because it represented a special, limited and personal privilege to use public property not enjoyed by transient right-of-way users. This special grant is necessary because no person can take another’s property, even for a public use, except by approval of the owner or trustee of the property.

The Coalition incorporates by reference the local governments’ filing in the 4th 706 Review proceeding.²⁰ In summary, rights-of-way management tools and requirements are outside of the Commission’s “barriers to entry” sphere:

¹⁹ Section 706(a) provides that the Commission “shall encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms) by utilizing, in a manner consistent with the public interest, convenience, and necessity, price cap regulation, regulatory forbearance, measures that promote competition in the local telecommunications market, or other regulating methods that remove barriers to infrastructure investment. 47 U.S.C. § 706(a).

²⁰ *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonably Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, GN Docket No. 04-54 Comments of the United States Conference of Mayors, National Association of Counties, American Public Works Association, Texas Coalition of Cities for Utility Issues, Montgomery County, Maryland, and the Mount Hood Cable Regulatory Commission, filed May 10, 2004.

Fair and reasonable compensation requirements, like right-of-way management, lie outside the FCC's sphere of "barriers to entry." The Commission's own spectrum auction policies and those of federal right-of-way managers outlined in NTIA's Roadmap are directly analogous: spectrum and federal rights-of-way, like state and local rights-of-way, are a scarce resource that is most efficiently allocated through a market price mechanism such as an auction or recovery of fair market value.

Local property cannot be given away by the federal government to telecommunications companies without just compensation. As NATOA and NLC have noted in other comments, such a giveaway would implicate Constitutional issues, including Fifth Amendment takings as well as the "anti-commandeering doctrine" of *New York v. United States* 505 U.S. 144 (1992). These constitutional considerations, as well as § 253 itself, require that local communities be free to take appropriate measures, including revenue-based measures, to establish such compensation.

The federal courts, led by the Supreme Court in *City of St. Louis v. Western Union Tel.*, and ratified by the Fifth Circuit in *City of Dallas v. FCC*, recognize that local governments have the normal rights of all property owners in controlling all elements and benefits of right-of-way property. Thus, telecommunications providers placing their facilities in public rights-of-way must pay fair and reasonable compensation no less than the cable company hanging its cables in *Loretto v. TelePrompster Manhattan* or providers placing their switching equipment in telephone central offices in *Bell Atlantic v. FCC*.

As compelling as the federal government's interest in encouraging competition in telecommunications may be, there is no basis in law or logic for requiring local governments to subsidize competitors by turning over a valuable asset without charging an economically efficient price. On the contrary, as noted above, thousands of miles of networks have already been put in place through market negotiations²¹.

D. Congress Conclusively Addressed The Commission's Lack of Jurisdiction Over Public Rights-of-Way In Section 253.

At the same time Congress amended 621(a)(1), it recognized that management responsibilities were critical as multiple providers competed for space in the public rights-of-way. Congress understood that, as a practical matter, no other government entity could supplant local authorities in the essential task of managing access to the public rights-of-way. Congress also understood that the public rights-of-way are valuable property held in trust for local citizens

²¹ *Id.* at 33 (footnotes omitted).

by local governments, and that citizens-property owners are entitled to receive “fair and reasonable compensation” for the use of the rights-of-way.²²

An examination of the history of Section 253 further reveals that the Congress, by enacting 47 U.S.C. § 253(d), clarified franchise disputes are the exclusive domain of the courts. The Coalition reminds the Commission that any claims of preemption by implication are precluded by Section 601(c) of the Telecommunications Act of 1996, which states in subpart (c):

NO IMPLIED EFFECT. –This Act and the amendments made by this Act shall not be construed to modify, impair, or supersede Federal, State, or local law unless expressly so provided in such Act or amendments.

E. The Commission Unreasonably Constricts the Scope of Local Franchising Authorities’ Reasonable Authority.

The Commission tentatively concludes that LFAs are acting reasonably when they seek to:

- “assure that access to cable service is not denied to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides;
- “allow [a] cable system a reasonable period of time to become capable of providing cable service to all households in the franchise area;” and
- “require adequate assurance that the cable operator will provide adequate public, educational and governmental access channel capacity, facilities, or financial support.” NPRM at ¶ 20.

²² Congress made it clear in adopting the definition of “franchise,” 47 U.S.C. § 522(9), that it was not going to quibble over what the authorizing document was called. Congress states “the term “franchise” means an initial authorization, or renewal thereof (including a renewal of an authorization which has been granted subject to section 546 of this title), issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a cable system.

The Michigan Coalition agrees that each of these acts is reasonable, but not because the Commission has tentatively concluded that they are, but because Congress in the Cable Act did so. The Commission's tentative conclusions are incorrect, however, if they are intended to suggest that *only* such acts are reasonable. Such an opinion would ignore other areas defined by Congress as being reasonable franchise terms. In the Cable, Act Congress recognized that it is not unreasonable for an LFA to require each of the items listed in ¶ 20 of the NPRM – for example, to require a competitive franchisee to:

- *Pay a franchise fee equal to 5% of the gross revenues derived from the operation of the cable system to provide cable services. 47 U.S.C. § 542.*
- *Build an institutional network, and to dedicate capacity on that network for educational and government use. 47 U.S.C. § 531.*
- *Define a buildout area, not just assure against redlining, so long as the LFA allows a reasonable the time for build-out of the system. 47 U.S.C. § 552(a).*²³

The tentative conclusions of the NPRM at ¶ 20 therefore are actually restatements of law, but ineffective restatements of the law in that they are an incomplete restatements of what Congress has found to be reasonable franchise practices. If the Commission believes it has authority to issue an order in this proceeding at all, it is important for the Commission to keep in mind that both incumbent cable and telephone companies will argue that anything not included on a Commission list of reasonable requests must by definition be unreasonable. Hence any such list must be clearly marked as not exhaustive, “without limitation.” But in fact, as noted above

²³ The Coalition finds it troubling that, despite congressional approval of buildout schedules in 47 U.S.C. § 552, the Commission in ¶ 23 asks parties for a legal theory of how such actions might be characterized as unreasonable.

and in the NATOA Comments, the Commission has not been given authority to determine what sorts of franchise conditions are reasonable.

F. Congress Addressed Many Time Frames in the Cable Act, But Did Not Impose a Timeline on Franchising.

Local communities wish to bring in competitors as soon as reasonable terms can be arrived at.²⁴ But the three-year renewal window affords some sense of what Congress recognized as the difficulty in reaching reasonable terms for the use of local communities' property when that property is as extensive and important as the public rights-of-way. The Commission, relying upon what we have previously stated to be an unfounded conclusion as to its authority under Section 621(a)(1), asks whether it should establish maximum timeframes for considering a competitive franchise, and if so, how it should go about enforcing such a rule. *See* NPRM at ¶21.

The Coalition reminds the Commission that the Congress did not delegate any authority to the Commission to interfere with the franchising process. Moreover, the Congress did not impose any timeframes or deadlines for the granting of a franchise. Since Congress in 1996 did amend the nation's cable and communications laws to impose any number of deadlines on the FCC, states, local governments and providers, but created no such deadlines on franchising, one must conclude that Congress intentionally chose not to impose a deadline for franchising perhaps recognizing that such a deadline would be open to abuse given the ability of prospective franchisees to delay negotiations indefinitely by persisting in unreasonable demands.

As the Commission notes at n. 80, in 1996, Congress did amend Section 617 of the Act to impose a time limit in which an LFA must act upon any request for approval of a sale or transfer

²⁴ Michigan communities have gone so far as to enact city resolutions calling upon competitors to come and provide competition. *See* Exhibit F which includes a letter of invitation to serve to SBC from the City of Livonia and a city Resolution from Farmington Hill inviting all providers to come serve.

of a franchise. Section 617 provides that an LFA must act on a transfer or sale request within 120 days or the request is deemed granted.

As stated above, Section 617 is instructive in that while Congress chose to create such a deadline for transfers, it chose not to apply any such deadline for the grant of an initial or competitive franchise. The Commission, therefore, must tread very lightly in this area as Congress has clearly chosen not to act.

Section 617 is further instructive in that the Congress does not start the 120 day clock until the transfer or sale request is “accompanied by such information as is required in accordance with Commission regulations and by the franchising authority.” 47 U.S.C. § 537.

Should the Commission choose to employ Section 617 as a model timeframe, the Commission would do well to differentiate between the granting of an initial franchise and the transfer of same. In a transfer, while parties are concerned with important issues such as the technical, financial and legal capabilities of a transferee to comply with the terms of a preexisting franchise, much of the heavy work, including the development of a franchise to meet the unique needs of the community, is already in place. As such, the parties have limited, albeit important, decisions before them.

One could see how the 120 day timeframe might be a workable “best practice” deadline where a competitive franchisee presents an LFA with a proposal to meet the terms of the existing franchise. By adopting similar, if not identical terms to the existing franchise, the perspective franchisee permits an LFA to spend its time assessing their legal, technical and financial qualifications and not whether their proposal meets local needs.²⁵

²⁵Cable applicants’ own internal bureaucratic machinery create substantial delay, and imputing the resulting slowness to local franchising authorities would ignore the facts so as to upset the equities. Any Commission attempt to analyze the causes of what the Commission perceives as slowness in the negotiating process will be fundamentally incomplete and inaccurate unless it includes a full account of the way the Bells, *in practice*, approach negotiations. For

Applying a limited timeframe to an entirely new negotiation runs the risk of merely encouraging the applicant to make unreasonable demands and “run out the clock” in order to coerce the LFA into agreeing to such demands.

Should a competitive franchisee seek a tailored franchise that is not similar to that held by the incumbent, it is not reasonable to believe that a community can assess the legal, technical and financial qualifications of the perspective franchisee and examine whether the proposed alternative franchise will meet the unique needs of the community within 120 days.

While not a specific deadline for action, Congress did provide insights into what it felt was a reasonable timeframe for identifying and meeting community needs through the franchising and renewal process. In 47 U.S.C. § 546, Congress created a three year program for identifying community needs and crafting a franchise agreement with an incumbent to meet those needs.

The Michigan Coalition is not advocating that LFAs should be given three years in which to determine whether a competitive franchise should be granted. We call 47 U.S.C. § 546 to the Commission’s attention for the simple principle that Section 617 is not the only timeframe established in the Cable Act for action, nor is the Cable Act the only section of the nation’s communications laws to include congressional mandated deadlines.

Congress has established at least one deadline for Commission action that is not associated with the development of a rulemaking following legislation. In 47 U.S.C. § 160, Congress

example, Verizon employs a “two-tier” negotiating process, in which the Verizon representatives actually discussing franchise terms with local governments must clear even the smallest changes from the company’s cookie-cutter Model Franchise Agreement with a mysterious “committee” that never actually appears at the negotiating table. This bureaucratic approach introduces extensive delays into the process. Because it never actually deals with franchising authorities or participates in the give-and-take of negotiation, the Verizon “committee” is an ivory-tower body that is insulated from real-world issues. It is thus encouraged to persist in unreasonable expectations and to make non-negotiable demands that bear little resemblance to the terms of any existing franchise agreements.

established a regime by which carriers might petition the Commission for forbearance from a regulation. In subparagraph (c) of the statute, much like in Section 617, the Commission provides a timeframe in which the Commission must act or the requested government approval is deemed granted. Unlike Section 617 where an LFA is limited to 120 days, 47 U.S.C. § 160 (c) provides: “Any such [forbearance] petition shall be deemed granted if the Commission does not deny the petition ...within one year after the Commission receives it, unless the one-year period is extended by the Commission...by an additional 90 days....”

A review of timeframes granted the FCC to act in its capacity as the Federal government’s franchising entity also is illuminating as to the type of timeframe Congress contemplated an LFA might expect.

- In 47 U.S.C. § 307, the Congress empowers the Commission to grant “if public convenience, interest, or necessity will be served thereby, a station license.” No deadline for action is established in the granting of such a license.
- In 47 U.S.C. § 332, Congress empowers the Commission to grant what are commonly known as cellular licenses, but other than establishing a deadline for a rule making , *see* § 332(c)(1)(D), Congress imposes no time limit on Commission review to meet the burden of ensuring the public’s interest is served.

It would appear that the Congress understands the challenges that accompany a finding of what is in the public’s interest and has not burdened the Commission with a statutory deadline in which to act in making such an important decision. Any interpretation of the Cable Act to establish a timeframe for franchising would require an unfounded leap of faith on the part of the Commission.

G. State-Level Legislative Actions Demonstrate Franchising Is Not The Detering Factor.

The Commission requests comment on the impact of state-level legislative or regulatory activity on the franchising process. NPRM at ¶12. The Michigan Coalition does not have first hand knowledge of such legislation, but would reference the Commission to the filing of the Texas Coalition of Texas Cities for Utility Issues, a collection of communities that are living with the results of Texas legislation.

H. The NPRM's Attitude Toward Incumbent Telephone Companies Reveals an Incomplete Understanding of Cable Franchising.

The Commission questions a local government's justification for franchising entities such as telephone companies that already have franchises that authorize their use of those rights-of-way, assuming that the reasons for franchising are that "the locality's need to regulate and receive compensation for the use of public rights of way." NPRM at ¶ 22. Given the points made above, it should be obvious that this statement reflects a lack of understanding regarding property law, state franchise rights, and local communities' goal of ensuring broad availability of advanced services – not merely the recovery of a fee. As will be demonstrated in Part Two of these Comments, in at least Michigan, the Commission would violate federal and state law were it to attempt to create a different franchise standard for entities already occupying the public rights-of-way.

In particular, the NPRM ignores the concerns of local government that all constituents have access to new services. As shown above, local franchises pay particular attention to ensuring that reasonable buildout schedules are agreed to and implemented. Rather than applauding such efforts at the local level, the Commission invites parties to provide a legal justification for characterizing such requirements as unreasonable. This internal inconsistency

makes clear that the NPRM is based on faulty (and unsupported) assumptions about where the real problems lie.

The Commission has expressed some confusion over why a local franchising authority should require a cable franchise for entities that already have other franchises authorizing their use of public rights-of-way for telephone purposes. NPRM at ¶ 22. The answer is simple: someone who holds a limited right – a right to use someone’s property *for defined purposes* – cannot bootstrap that right into an expanded right to use someone else’s property for *all* purposes without the permission of the property owner. The owner of an office park who leases space to a vendor at a specified price specifically to put up a food stand would justifiably be surprised if the owner returned to find that the food stand had morphed into a three-ring circus, using the owner’s property for sword-swallowers, high-wire acts, and clowns in motorcars – without any adjustment to the price or other terms. (The property owner might be happy to have the circus in town, but might feel that the new uses of the property required additional conditions to address the new problems thus introduced, not to mention additional compensation to reflect the vastly greater profits derived from the owner’s property through these uses that had not previously been approved.) Similarly, a local community is not *obliged* to give new rights and powers automatically to an incumbent telco without considering the additional value gained or the additional obligations that normally accompany the additional rights.

This is even more true when the property in question is government property whose use is authorized by a franchise. The requirement for a separate cable franchise is consistent with the general rule that franchises are to be narrowly construed.²⁶ The Supreme Court has held that “whatever is not unequivocally granted is withheld; nothing passes by mere implication.”

²⁶ See *Charles River Bridge v. Warren Bridge*, 11 Pet. (12 U.S.) 496, 546, 549 (1837); *Richmond v. C&P Telco*, 205 Va. 919, 923, 140 S.E.2d 683, 686 (1965). See generally 37 C.J.S., “Franchises,” § 21(b).

Knoxville Water Co. v. Knoxville, 200 U.S. 22, 34 (1906); accord, *Blair v. Chicago*, 201 U.S. 400, 471 (1906). For instance, a franchise for illuminating gas does not encompass the transmission of gas for heating, even though the same pipes are being used. *Hanford v. Hanford Gas & Pwr. Co.*, 169 Cal. 749, 147 Pac. 969 (1915); *Washtenaw Gas Co.*, 23 P.U.R.(N.S.) 226 (Mich. 1938). Closer to the matter at hand, the Supreme Court has also held that a long-distance telephone franchise does not automatically include the right to use the same property to provide local exchange service. *Mitchell v. Dakota Central Tel. Co.*, 246 U.S. 396 (1918). See also *Hawaiian Elec. Co.*, 87 P.U.R.4th 227, 232 (Hawaii 1987) (ducts in public rights-of-way can be used only for purposes specified in franchise).

As stated above in greater detail, Congress specifically allocated to local franchise authorities (among other things) the authority to ensure that all households are served, to obtain PEG channel capacity and recover PEG capital costs, and to require institutional networks. See 47 U.S.C. 541(a)(2), (3) and (4). These issues are unique to cable franchise negotiations. They would not be covered by any existing franchise granted for other purposes.

The Commission questions a local government's justification for franchising, "i.e. the localities need to regulate and receive compensation for the use of public rights of way" to entities such as telephone companies that already have franchises that authorize their use of those rights of way. ¶ 22. The Coalition believes this statement reflects the Commission's lack of understanding regarding property law, state franchise rights, and the goal of most LFAs to ensure broad availability of services, not merely the recovery of a fee.

In Michigan, telephone companies are specifically prohibited by law to provide cable television services unless they have first obtained a cable franchise from the local government. In 1991 the Michigan legislature adopted M.C.L. § 484.2309a which provides:

A provider of telecommunication service, including, basic local exchange service, may provide cable service if the provider has received a franchise agreement from the local unit of government to provide cable service.

In late 2005, in adopting Public Law 235, the Michigan legislature affirmed its position that a local exchange service provider still needs to obtain a franchise. The legislature set this rule, and most of its telecommunications rules, to sunset December 31, 2009. But until that day, it is the law of Michigan that an ILEC does not have the authority to access an LFA's rights-of-way to provide cable services.

Michigan communities also enjoy the protection of 47 U.S.C. § 541(b) which provides: "... a cable operator may not provide cable service without a franchise." Michigan communities may also look to Sections § 556(a)&(b), which state:

Nothing in this subchapter shall be construed to affect any authority of any State, political subdivision, or agency thereof, or franchising authority, regarding matters of public healthy, safety, and welfare, to the extent consistent with the express provisions of this subchapter [nor] to restrict a State from exercising jurisdiction with regard to cable services consistent with this subchapter.

In light of the foregoing, it is clear that in at least Michigan, the Commission would violate federal and state law were it to seek to create a differing "reasonableness" standard for those that may already be occupying the rights-of-way.

But in addition to the property and public safety concerns of franchising, there are the concerns of local government that all constituents have access to new services. That is why the Coalition is so troubled by the Commissions seeming indifference to local governments' desire to obtain congressional approved services such as PEG and I-Net for our communities and to ensure that reasonable buildout schedules are agreed to and followed. Rather than applauding such efforts at the local level, the Commission asks parties to provide a legal justification to characterize such activities as unreasonable. The Cable Act suggests that some requirements (such as PEG requirements) may only be established through the franchising process. Still, as a

means to address competitive cable operators, many communities have adopted a general cable ordinance pursuant to its police and regulatory powers. A cable ordinance may set out the procedures for applying for a franchise, and may establish rules that the locality is entitled to establish unilaterally. For example, an ordinance might establish street permitting, joint trenching and other such requirements (or even customer service standards, which can be adopted unilaterally). The advantage of such an ordinance is that it imposes one set of rules on all providers, thereby promoting certainty and facilitating competitive entry into the market.

I. Level Playing Field.

The Commission asks whether level-playing-field statutes create unreasonably regulatory barriers. NPRM ¶ 12. Michigan does not have a level playing field statute. In any case, however, as noted above, the Commission has not been given authority to override state laws dealing with franchising.

J. History of Section 541(a)(1) Litigation Demonstrates Local Government Reasonableness in Franchising Decisions.

As of February 6, 2006, it appears that there are 13 published opinions which cite Section 541(a)(1). The 13 published opinions represent 11 different controversies. Two of the controversies have published trial court and appellate court opinions. Of the eleven controversies, only two have found that an LFA violated or potentially violated Section 541(a)(1). In one case the violation was a matter of semantics, while in the second the finding was procedural.

In *Qwest v. Boulder*, 151 F.Supp.2d 1236 (D. Co. 2001), Qwest was providing cable programming in Boulder through a revocable permit granted by the city. In addition to Qwest, TCI was also providing cable in the city by means of a revocable permit, while Wild Open West, a third provider, was offering cable in the city by means of a franchise. Testimony was

presented to explain that Qwest and TCI operated under a revocable permit rather than a franchise as the city's charter required a vote of populace for the issuance of a franchise. Wishing to avoid the expense of such an election, Qwest sued arguing that the election provision was preempted by §541(a)(1) and the Court agreed. In *Classic Communications Inc. v. Rural Telephone Co*, 956 F.Supp. 896 (D. Kan. 1996), a telecommunications company and its telephone and cable television subsidiaries brought suit for refusal to grant cable television franchises to a cable television subsidiary. The Kansas District court denied the cities' motion to dismiss stating that whether the Cities' refusal was unreasonable is not an issue at this stage of the litigation.

A summary of the other nine controversies reveals:

- Two proceedings were brought against the US government acting in its capacity as an LFA on military bases. In *Americable International, Inc v. Dept of Navy*, 129 F.3d 1271, (D.C. Cir. 1998) the court found the Navy's refusal to grant a SMATV contract did not rise to a § 541(a)(1) violation. In *Cox Cable Comm., Inc. v. United States*, 992 F.2d 1178 (11th Cir. 1993), the 11th Circuit found Robins Air Force Base violated the Act when it granted an exclusive cable franchise to Centerville Telecable, the winner of a competitive bidding process.
- Four of the cases saw local government citing the Act as a justification for their actions in support of competitive franchisee. Twice local government has unsuccessfully cited Section 541(a)(1) as means to defeat exclusive franchises that pre-dated the Cable Act. *James Cable Partners v. City of Jamestown*, 43 F. 3d 277 (6th Cir. 1995); *Service Electric Cablevision v. City of Hazleton*, 2005 WL 2020452 (M.D.Pa. 2005). Once it was used to defend against a claim of favoring a competitor over an incumbent (*Cable TV Fund v. City of Naperville and Ameritech New Media*,

Inc., 1997 WL 280692 (N.D. Ill., 1997), and once the Act was employed to demonstrate that the cable franchising process did afford due process standards.

Liberty Cable v. The City of New York, 893 F.Supp 191 (S.D. New York, 1995); and

- One case was brought against a private developer. *Comcast SCH Holdings, Inc. v. The Villages of Lake Sumter, Inc.*, 168 F.Supp.2d 1338 (M.D. Fla. 2001).

One case raises a cautionary point as to any attempt by the Commission to rule *in advance* on the reasonableness of local franchising. A party must ask for a franchise *before* a local franchising authority can be found to have unreasonably denied the grant of a competitive franchise. “A natural reading of § 541 requires that Houlton Cable apply for a second franchise before it can ask this Court to review whether it is reasonable to refuse one.” *NEPSK, Inc. v. Town of Houlton*, 167 F.Supp.2d 98, 102 (D. Me. 2001). *See also NEPSK, Inc. v. Town of Houlton*, 283 F. 3d 1 (1st Cir. 2002) (the requesting party must be asking for a new franchise and not a renewal).²⁷

There is thus no basis in the case law for supposing that local communities have placed any barriers in the way of the franchising process. On the contrary, these cases typically see local governments *seeking* competition and industry players raising objections.

K. Local Government Franchising Decisions Are Entitled to Substantial Deference.

Courts have found local governments are acting within their legislative capacity when granting franchises²⁸ and local governments are entitled to substantial deference when acting within their legislative capacity.²⁹

²⁷ In *I-Star Communications Corp. v. City of East Cleveland*, 885 F.Supp. 1035 (N.D. Ohio 1995), the District Court for the Northern District of Ohio held that I-Star did not state a claim for relief pursuant to § 541(a)(1) because the case concerned the City’s efforts to revoke I-Star’s existing franchise, not a denial of an application for a “second competitive franchise.”

²⁸ *See Charter Communications. v. County of Santa Cruz*, 304 F. 3d 927 (9th Cir. 2002).

The seminal treatise on laws governing municipalities, McQuillen's Municipal Corporations explains the legal theory as follows:

[N]o principle of law is better established than that courts will not sit in review of proceedings of municipal officers and departments involving legislative discretion.... [Nance v. Cheyenne, 56 F 2d 453 (Wyoming 1931); Georgia Power Co. v. Borough of Atlanta, 52 F 2d 303 (Georgia 1931), Illinois Cent. R. Co v. City of Mayfield, 35 F2d 808 (6th Cir., 1929), cert denied 280 US 608, 74 L Ed 651, 50 S. Ct. 158 (1930) "...[W]here a local legislative body has power to determine the expediency of necessity of measures relating to local government, its judgment upon the matters within the scope of its authority cannot be controlled by the courts. [East St. Louis v. United States, 110 U.S. 321, 28 L Ed 162, 4 S. Ct. 21 (1884) ; Fidelity Trust Co. v Village of Stickney, 129 F 2d 506 (7th Cir., 1942)].³⁰

The Supreme Court has held local governments' "interest in being free from intrusive judicial supervision of its daily management functions [requires]...deference is therefore due to the government's reasonable assessments of its interests." *Board of County Comm'rs v. Umbehr*, 518 U.S. 668, 678 (1996). The same reasons apply to any such alleged supervision by the FCC. The Commission therefore must tread lightly if at all in questioning the "unreasonableness" of any refusal to grant a franchise.

L. The Commission's Contemplated Preemption of the Local Governmental Powers Offends the U.S. Constitution as well as the Michigan Constitution.

Any action by the Commission to mandate the granting of a franchise directly or by means of state actions in favor of any party over the objection of the local franchising authority offends the Tenth Amendment of the U.S. Constitution. Under the Tenth Amendment, "[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." U.S. Const. amend. X. As Justice Scalia has explained:

It is incontestable that the Constitution established a system of "dual sovereignty." *Gregory v. Ashcroft*, 501 U.S. 452, 457, 111 S. Ct. 2395, 2399, 115 L.Ed.2d 410 (1991);

²⁹ *Id.*; see also *Board of County Comm'rs v. Umbehr*, 518 U.S. 668, 678 (1996).

³⁰ 2A McQuillin Mun. Corp. § 10.33 (3rd Ed).

Tafflin v. Levitt, 493 U.S. 455, 458, 110 S. Ct. 792, 795, 107 L.Ed.2d 887 (1990). Although the States surrendered many of their powers to the new Federal Government, they retained “a residuary and inviolable sovereignty,” *The Federalist* No. 39, at 245 (J. Madison). This is reflected throughout the Constitution’s text, *Lane County v. Oregon*, 7 Wall. 71, 76, 19 L.Ed. 101 (1869); *Texas v. White*, 7 Wall. 700, 725, 19 L.Ed. 227 (1869), including (to mention only a few examples) *the prohibition on any involuntary reduction or combination of a State’s territory*, Art. IV, § 3;.. and the Guarantee Clause, Art. IV, § 4, which “presupposes the continued existence of the states and . . . *those means and instrumentalities which are the creation of their sovereign and reserved rights*,” *Helvering v. Gerhardt*, 304 U.S. 405, 414-415, 58 S. Ct. 969, 973, 82 L.Ed. 1427 (1938). . . .

Printz v. United States, 521 U.S. 898, 918-19 (1997) (emphasis added).

As part of that system, the Supreme Court recognized that “[t]he Federal Government may not compel the States to enact or administer a federal regulatory program.” *Printz* at 933 (quoting *New York v. United States*, 505 U.S. 144, 188 (1992)). What’s more, the Supreme Court stressed the importance of political accountability in this system of dual sovereignty, recognizing that the Constitution “contemplates that a State’s government will represent and remain accountable to its own citizens.” *Printz* at 920. Local officials are held accountable by their citizens/constituents since they serve as trustees duty-bound to maximize the value of local property for the greater good of the public they serve. See *Erie Telecommunications, Inc. v. City of Erie*, 659 F. Supp. 580 (W.D. Pa. 1987) (“[A]s a city holds the streets in trust for the public, it would be a dereliction of a city’s fiduciary duty to grant franchise rights...without receiving the fair market value for the property.”).

The Commission in the NPRM seems to suggest that this basic duty can be overridden by a federal regulatory scheme³¹. The Commission seeks to create an environment in which the Commission and “members of Congress take credit for ‘solving’ problems without having to ask their constituents to pay for the solutions with higher federal taxes.” *Printz* at 930. Meanwhile, as the federal government takes its credit under the 1996 Telecommunications Act,

³¹ See, e.g., NPRM at ¶ 15 *et seq.*

local government is “forc[ed] ... to absorb the financial burden of implementing a federal regulatory program,” *Id.* at 930, by giving up its rights-of-way for free or at a mandated reduced price.

As the Supreme Court recognized, “It is an essential attribute of the States’ retained sovereignty that they remain independent and autonomous within their proper sphere of authority.” *Id.* at 928. Although it is difficult to think of a more “proper sphere of authority” than the management of a municipality’s own property, the Commission suggests it is possible to undermine this authority in the interest of federal regulation.

The above considerations regarding the trustees’ role of the local government makes clear that the Commission’s tentative approach is not only improper, but unnecessary. There is no doubt that citizens will let local officials know if they believe the local government is delaying competition.

The Commission is the latecomer to this party. Both local governments and their citizens have been trying to encourage competitive video providers to enter local communities for years. The lack of response (in most cases) to these invitations reflects the reluctance of competitive cable and telco providers to enter the market, not any reluctance by the local community to receive them.

M. Where Is The Predicate For Commission Action?

The Cable Franchising NPRM is premised on the idea that there is a problem.³² We respectfully disagree. The Commission has expressed some uncertainty over why a local authority may require a cable franchise of entities that already have franchises that authorize

³² See, e.g., NPRM at ¶ 5.

their use of those rights of way.³³ NPRM, ¶ 22. There are several reasons for this situation. First, in Michigan, this is a legal requirement recognized in state law. Under current Michigan law, all telecommunications providers are required to obtain municipal permits for on-going use of the rights-of-way for the provision of telecommunications services. M.C.L.A. § 484.2254 (1995). The term “permit” is not defined in the statute, but in coordination with 47 U.S.C. § 541, the permit takes the form of a franchise under the municipality’s telecommunications franchising ordinance. However, the Michigan Telecommunication Act specifically requires that: “A provider of telecommunication service, including, basic local exchange service, may provide cable service if the provider has received a franchise agreement from the local unit of government to provide cable service.” M.C.L. § 484.2309a.

Second, as stated above in greater detail, Congress specifically allocated to local franchise authorities the authority to ensure that all households are served, seek PEG channel capacity and recover PEG capital costs, and institutional networks. *See* 47 U.S.C. 541(a)(2), (3) and (4). These are the types of issues that are addressed only in cable franchise negotiations. They would not be covered by any existing franchise otherwise granted to the entity seeking to provide cable service but not yet in the market.

³³ Telecommunications law for municipalities is currently characterized by a basic underlying clash with respect to local governments’ right to control and to gain the benefit of their property. As a general matter, local governments either own their public rights-of-way in fee, or at least are trustees for their use for the benefit of the whole community. Localities grant private parties, including communications companies, valuable rights to use and occupy those rights-of-way. This grant gives the typical grantee who intends to provide service in a community:

- (1) The *option* to place facilities throughout the public rights-of-way, and thus to burden those rights-of-way;
- (2) A right to *burden* the public rights-of-way through construction work, and then on an ongoing basis through repairing and maintaining facilities in the limited space within the streets and public utility easements; and
- (3) The ability to *use* the public rights-of-way in doing business.

N. The Commission Lacks Capacity to Arbitrate Cable Franchise Negotiations.

The Commission lacks both the legal authority and the professional staff to assume the task of arbitrating cable franchise negotiations.³⁴ Section 253(c) reflects Congress's recognition that local government is the only level of government capable of managing right-of-way access. The authority to manage right-of-way access is traditionally and necessarily local. There is no one set of optimal construction, maintenance, make-ready, undergrounding, space allocation, restoration or insurance requirements fitting all communities. Indeed, if industry commenters had been successful in past requests which sought to burden the Commission with the job of policing local rights-of-way nationwide, the result would undoubtedly be slower resolution of these detailed issues than now occurs at the local level.

III. ANY ATTEMPT TO UNDERMINE LOCAL CABLE FRANCHISING AUTHORITY IN MICHIGAN WOULD CONFLICT WITH STATE LAW.

The NPRM asked parties to address the breadth of the Commission's authority pursuant to federal law. However, it failed to raise the much more crucial issue of local property rights under state law and the constitutional protection of those rights. In this section, the Michigan Coalition supplements the general legal arguments provided by the NATOA Comments to provide, as an example, information on the fundamental legal underpinnings of local franchising

³⁴ By way of example, comments in another proceeding note that the *average* processing time for cable rate regulation matters at the Commission was approximately five years. See Average Time Taken to Resolve Cable Regulation Proceedings in 2000, Exhibit I of the Further Comments of the Real Access Alliance, *In the Matter of Promotion of Competitive Networks in Local Telecommunications Markets*, CC Docket No. 96-98, *Wireless Communications Association International, Inc. Petition for Rulemaking to Amend Section 1.4000 of the Commission's Rules to Preempt Restrictions on Subscriber Premises Reception or Transmission Antennas Designed to Provide Fixed Wireless Services*, CC Docket No. 88-57, *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 Review of Section 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network*, WT Docket No. 99-217 (filed Jan. 22, 2001). And this involved applying a set of uniform FCC regulations only slightly affected by local conditions – unlike local right-of-way matters.

authority in the state of Michigan's constitution and statutory law. In Michigan, the right to franchise occupants of a community's public rights-of-way is not only protected in the state's constitution, but is to a large degree insulated from state preemption, let alone federal action as contemplated by the Commission. Any attempt by the Commission to manipulate the local franchising process for the benefit of the Bells would collide directly with this state law structure.

A. Article VII, Section 29 of the Michigan Constitution Reserves on Behalf of the Citizens of Michigan the Exclusive Authority to Grant Access to Rights-of-Way in Local Communities Through Their Local Governments.

For nearly 100 years, the Michigan Constitution has provided for strong local control over public rights-of-way. Article VII, Section 29 of the Michigan Constitution provides:

Highways, streets, alleys, public places; control, use by public utilities. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

The current Michigan constitution was passed in 1963 but Section 29 substantially parallels Article VIII, Section 28, of the 1908 constitution. Of that provision in the 1908 Constitution, Professor John A. Fairlie, a delegate, wrote at the time:

One of the most important sections in the revised constitution is that reserving to cities, villages, and townships the reasonable control of their streets and public places, and more specifically requiring the consent of the local authorities for the use of the highways or streets for any public utility. ... (This) provision serves to prevent the legislature from granting rights in the public streets of a local district.

John A. Fairlie, The Michigan Constitutional Convention 10 (May, 1908). This authority was not only preserved in the 1963 Constitution, but the framers of the 1963 Constitution

repeatedly rejected efforts to amend Section 29, with the express intention to preserve local government authority over rights-of-way free from interference by the State legislature. In other words, the reservation of proprietary rights of the local governments in their rights-of-way was before the people in the constitutions of 1908 and 1963. Their political decision was embodied in the respective constitutions. That decision is not subject to revision by the Legislature. The people's decision in favor of local authority over highways and streets and against centralized legislative authority is dispositive.

B. The Framers of the 1908 Constitution Intended to Reserve a Measure of Local Government Authority Free from State Legislative Interference.

The central issue of state constitutional law leading up to and through the turn of the 20th century was the role of local governments. There were two schools of thought led by two prominent jurists and constitutional scholars: former Iowa Supreme Court Chief Justice John Dillon and former Michigan Supreme Court Chief Justice Thomas Cooley. "The crucial difference between Dillon and Cooley was Cooley's insistence that the people had intended a certain core of local sovereignty to remain inviolate." Joan C. Williams, *The Constitutional Vulnerability of American Local Government: the Politics of City Status in American Law*, 1986 *Wis. L. Rev.* 83, 88-90 (1986).

In his seminal work on *Constitutional Limitations*, Cooley wrote that the American constitutional framework was intended to ensure "that the powers of government are not concentrated in any one body of men, but are carefully distributed, with a view to being easily, cheaply, and intelligently exercised, and as far as possible by the persons more immediately interested."³⁵

³⁵ Thomas M. Cooley: A Treatise on the Constitutional Limitations Which Rest upon the Legislative Power of the States of the American Union 3-4, 190-91 n. 77 (Boston, Little, Brown & Co. 1868). Judge Cooley "has been cited hundreds of times by the Supreme Court of the

Cooley was an early advocate of home rule,³⁶ and as Chief Justice of the Supreme Court of Michigan, he interpreted the State Constitution, even prior to the adoption of the 1908 Constitution with its express reservations of local authority, to safeguard the independence of local governments: “The state may mold local institutions according to its views of policy and expediency; but local government is a matter of absolute right; and the state cannot take it away.” *People ex rel. Leroy v. Hurlbut*, 24 Mich. 44, 108 (1871).

C. The Structure and Text of Article VII Reveal a Careful Allocation of State and Local Government Authority, Which Includes the Grant of Autonomous Powers to Local Governments Acting in a Proprietary Capacity With Respect to Public Property.

The constitutional power described in the first clause of the first sentence of Article VII, § 29 must be understood as one piece of a comprehensive constitutional design. It is an intricate and sophisticated arrangement that reflects the complexity of Cooley’s approach to placing checks and balances on political power. Concerning the construction of the Article VII provisions regarding the structure of local government, the Michigan Court of Appeal has stated that, “we must read the above constitutional provisions, which all relate to the same subject matter, as a whole, in context and with an eye to harmonizing them so as to give effect to all.” *County Comm’rs of Oakland County v. Oakland County Executive*, 98 Mich. App. 639, 647, 296 N.W. 621, 626 (1980), citing *Saginaw County v. State Tax Comm.*, 54 Mich. App. 160, 165, 220 N.W.2d 706, 709 (1974); *Jones v. Ypsilanti*, 26 Mich. App. 574, 579-80, 182 N.W.2d 795, 798 (1970).

United States and countless times by other American courts.” Carrington: “The Constitutional Law Scholarships of Thomas McIntyre Cooley,” 41 Am. J. Legal Hist. 368 (July, 1997). Opinions in the Michigan Supreme Court have cited Judge Cooley 1,569 times since 1900.

³⁶ Lecture I: The Sentiment of Equality in American Politics, Johns Hopkins University (1878), unpublished manuscript in Box 1, Cooley Collection, Bentley Library, University of Michigan.

Article VII (Local Government) divides into two parts. The first twenty-one sections deal with the creation and structure of local governments. Sections 22-34 empower those governments. Comparison of the graduated degrees of grants of local authority among the latter sections provides guidance for interpreting the carefully nuanced home rule authorities. The comparison indicates that the power to consent to utility use of the rights-of-way, in contrast to other powers, is unqualified.

Article VII, § 22 grants general legislative powers to municipalities “subject to the constitution and law.”

Article VII, § 23 provides local government with unqualified constitutional authority to “acquire, own, establish and maintain . . . parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.”

Article VII, § 24 authorizes local governments to “acquire, own or operate . . . public service facilities for supplying water, light, heat, power, sewage disposal and transportation . . .” This power, unlike the power granted by Section 22 (“subject to the constitution and law”) or the power granted by Section 23 (absolute), is only “subject to this constitution.” Section 24 goes on to provide a careful and deliberate circumscription of local authority under Section 25.

Section 29 includes two grants of power. The first sentence prohibits unconditionally the use of the municipality’s rights-of-way and other public property by utilities without the municipality’s consent and provides for the franchising of non-right-of-way-based transactions. The second sentence of Section 29 grants the municipality the right to “reasonably control” its rights-of-way and other public property.³⁷ This power extends beyond utilities and, like the power granted by Section 24, is exclusive “except as otherwise provided in this constitution.”

³⁷ As Professor Fino has observed with respect to the second sentence, “Section 29 *also* affirms the right of units of local government to control their highways . . . unless an exception is

In the context of Article VII, which describes the constitutional home rule powers of local governments in Michigan, the distinctions drawn between municipal powers that are unqualified, powers that are subject to the constitution alone, and powers that are subject to the constitution and general laws of the state, can hardly have been inadvertent.

Against the background of the Cooley-Dillon controversy which animated the debate over the allocation of state and local power at the turn of the 20th century, it is impossible to avoid the conclusion that these textual variations in the constitutional circumscriptions upon municipal power were careful and deliberate. In Article VII the citizens of Michigan have reserved to local governments, under the People's more direct control, a proprietary power as to real property. That reserved sphere of authority has its most fundamental demarcation at the distinction between the community acting in its proprietary capacity to control the beneficial use of its own property and its authority to govern. "These two powers are of entirely different character; the one of a proprietary nature and the other governmental in its character -- the one permitting agreements, and the other controlling action." *City of Kalamazoo v. Kalamazoo Circuit Judge*, 200 Mich. 146, 155, 166 N.W. 998, 1001 (1918). That demarcation is underscored by Section 31 of Article VII, which provides that "*the legislature shall not vacate or alter any road, street, alley or public place under the jurisdiction of any county, township, city or village.*" Indeed, the proprietary authority of local government was acknowledged even by Dillon:

In its governmental or public character, the [municipal] corporation is made, by the state, one of its instruments, or the local depository of certain limited and prescribed political powers, to be exercised for the public good on behalf of the state rather than for itself. . . . Over all its civil, political, or governmental powers, the authority of the Legislature is, in the nature of things, supreme and without limitation, unless the limitation is found in the Constitution of the particular state. But in its proprietary or private character the theory is that the

made elsewhere in the constitution." Fino: *The Michigan State Constitution: a Reference Guide* 161 (Greenwood Press: 1996) (*emphasis supplied*).

powers are supposed not to be conferred, primarily or chiefly, from considerations connected with the government of the state at large, but for the private advantage of the compact community . . . ; and as to such powers, and to property acquired thereunder, and contracts made with reference thereto, the corporation is to be regarded quo ad hoc as a private corporation, or at least not public in the sense that the power of the Legislature over it, or the rights represented by it, is omnipotent.

Id. at 155-56, quoting *Dillon on Municipal Corporations*, § 109 (5th Ed. 1911).

Even before the 1908 Constitution it was apparent that Michigan “preserve[d] to the inhabitants [of the local units of government] full means of local self-government,” *Allor v. Wayne Co.*, 43 Mich. 76, 102, 4 N.W. 492, 500 (1880), and found it

evident that the legislature could not grant to any street railway the right to construction and operate its road on any particular street. It may provide for the incorporation of such companies, and endow them with the franchises necessary. For the necessary street rights they must be referred to the only authority which can grant such privileges, - the local government of the municipality in which it is proposed to operate such road.

* * *

The legislature, it must be remembered, did not have the power, independently of the city, to grant to any company a right to enter upon and occupy the streets ...

Detroit Citizens' St. Ry. v. City of Detroit, 64 Fed. 628, 642, 644, 26 L.R.A. 667 (6th Cir. 1894).

Finally, Section 34 of Article VII provides that “the provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.”

D. Under Michigan Law, The Absolute Requirement of Municipal Consent to the Use of the Right-of-Way by Utilities Is Separate and Distinct From the Franchise Authority and Police Power Described in Section 29.

The first clause of the first sentence of Section 29, together with the authority to acquire property for public purposes pursuant to Section 23, provides the core of municipalities’ *proprietary* authority in Michigan. It secures municipal authority to consent to the use of the

municipal rights-of way, and the issue is whether that constitutional authority can constitutionally be restricted by State legislation prescribing the permissible terms of that consent.

The second clause of the first sentence, which authorizes municipalities to require a franchise before a utility can “transact local business” in the municipality, is a separate authority. It is a material distinction. *See County Drain Comm’r of Oakland County v. City of Royal Oak*, 306 Mich. 124, 144-45, 10 N.W.2d 435, 444 (1943) (“It is clear that Oakland county will not be transacting a local business within the city and, therefore, will not be obliged to obtain a franchise under said section 28. For use of the streets, such section does not require a franchise, but only the consent of the duly constituted authorities of such city”). That the first clause of Section 29 reads on the special, relatively permanent, and exclusive use of portions of the rights-of-way, rather than the transitory passage of traffic in common with non-exclusive, public use of the streets, is apparent from the nature of the use described in the first clause, *viz.*, “for wires, poles, pipes, tracks, conduits or other utility facilities,” rather than the transaction of business addressed in the second clause.

The broader police power described by the second sentence of Section 29—to “reasonably control” local highways, streets and public places—is a governmental authority that exists wholly independently of the municipalities’ proprietary interest. The Supreme Court has held that the consent and franchise authorities of the first sentence are distinct from the police power granted by the second sentence. *Traverse City v. Michigan Railroad Comm’n*, 202 Mich. 575, 584, 168 N.W. 481, 484 (1918) (“Neither do the questions raised here pertain to the control of streets, but to control of rates to be charged the public by a common carrier doing business under a franchise.”); *Michigan Bell Tel. Co. v. Detroit*, 106 Mich. App. 690, 693-94, 308 N.W.2d 608, 610 (1981) (Even where the public utility has a franchise from the state, local

governments are not divested of power to regulate the utility to reasonably protect the general welfare of the community); *Village of Jonesville v. Southern Mich. Tel. Co.*, 155 Mich. 86, 90, 118 N.W. 736, 738, 16 Ann. Cas. 439 (1908) (“municipal police powers override telephone company’s ‘right of entry under the general power conferred by the state’”); *Traverse City v. Citizens’ Tel. Co.*, 195 Mich. 373, 382, 161 N.W. 983, 986 (1917) (telephone companies are subject to both franchise obligations and municipal police power). The consent requirement springs from a fundamentally different justification than the general police power to “reasonably control” the use of the rights-of-way.

[T]he use of the streets for carrying on business or for the purpose of inducing business is unauthorized. Such use is special and extraordinary, and differs fundamentally and radically from the ordinary use for travel and transportation in the ordinary course of life. The right to use the streets is a privilege which can be acquired only by permission which the municipality may grant or withhold, and in granting permission for such use the city may prescribe such terms and conditions as it sees fit.

Fostini v. City of Grand Rapids, 348 Mich. 36, 40-41, 81 N.W.2d 393, 395 (1957), 40-41, quoting 64 C.J.S., Municipal Corporations, § 1774 at 224-25. The textual implication is that the municipality’s right to consent to the private, profitable use of the rights-of-way, though more narrowly drawn than its general police power, is all the more absolute.

The source of the municipality’s proprietary authority is unambiguous. Under Michigan law, municipalities have the rights of owners with respect to their streets. *City of Detroit v. Michigan Bell Tel. Co.*, 374 Mich. 543, 554, 132 N.W.2d 660, 665 (1965), *appeal dismissed* 382 U.S. 107 (1965); *Long v. New York Central*, 248 Mich. 437, 441, 227 N.W. 739, 740 (1929) (“in incorporated cities, the title to the streets is vested in the municipality”). “[A]nd the state cannot despoil them of it.” *City of Detroit v. Detroit & Howell Plank-Road Co.*, 43 Mich. 140, 148, 5 N.W. 275, 280 (1880).

Even assuming, *arguendo*, that the authority to consent to the use of the right-of-way by utilities were subordinate to the right to “reasonably control” the right-of-way generally, the language suggests constraints that are no more demanding than the reasonableness test which applies to all municipal legislation. *See, e.g., Union Twp. v. City of Mt. Pleasant*, 381 Mich. 82, 89-90, 158 N.W.2d 905, 909 (1968). As the Supreme Court put it in *Union Twp. v. City of Mount Pleasant*, 381 Mich. 82, 158 N.W.2d 905 (1968), municipal consent under Section 29 cannot “be refused arbitrarily and unreasonably and we are not inclined to believe that such refusal need be anticipated.” (citation omitted) *Id.* at 90, 158 N.W.2d at 909.

The framers of these Michigan constitutional provision clearly meant to give some measure of independent power to local governments when they provided that “except as otherwise provided *in this constitution* the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.” Whatever power they meant to reserve to local governments was necessarily reserved against the broad general authority of the State government because that is the only authority against which the State Constitution might reserve a measure of decentralized power. In other words, Article VII, Section 29, can only be understood as a reservation of local authority *at the expense* of State authority.

To allow the State legislature to define the scope of the limited power reserved to local governments out of the otherwise comprehensive power granted to the State would be to allow the State legislature to define the scope of its own constitutional authority. “In constitutional construction the rule always obtains that the intent of the people is the intent to be ascertained and upheld. *It is for the courts* to determine this intent, as expressed in the Constitution, and to

construe acts of the Legislature with reference to it.” *Attorney General ex rel Barbour v. Lindsay*, 178 Mich. 524, 532, 145 N.W. 98, 101 (1914) (*emphasis supplied*).

E. The State of the Law, Custom and Contemporaneous Construction Support the Construction of Section 29 as Reserving Autonomous Proprietary Authority to Local Governments.

The interpretation of Article VII as a reservation of municipal authority in its proprietary capacity is also compelled “by reference to the state of the law or custom previously existing” and by its “contemporaneous construction.” *Mahaffey v. Attorney General*, 222 Mich. App. at 335, 524 N.W.2d at 110 (1997).

Speaking for the Supreme Court nearly four decades prior to the ratification of the 1908 Constitution, Chief Justice Cooley wrote that “the municipality, as an agent of government, is one thing; the corporation, as an owner of property, is in some particulars to be regarded in a very different light.” *People ex rel. Leroy v. Hurlbut*, 24 Mich. 44, 104-05 (1871). The Court elaborated in *People ex rel Board of Park Comm’rs of Detroit v. Common Council of Detroit*, 28 Mich. 228, 1878 WL 5917(Mich.) at *6 (1878):

[I]t cannot be contended that authority in the Legislature to determine what shall be the extent of capacity in a city to acquire and hold property, is equivalent to, or contains within itself the authority to deprive the city of property actually acquired by legislative permission. As to the property it thus holds for its own private purposes, a city is to be regarded as a constituent in State government, and is entitled to the like protection in its property rights as any natural person who is also a constituent.

In *City of Detroit v. Detroit United Ry.*, 172 Mich. 136, 137 N.W. 645 (1912), the Court rejected the contention that the city’s authority to demand compensation for the use of its streets had been preempted by the State legislature’s establishment of the Michigan Railroad Commission, and emphasized that “the principle of local self-government has always been fostered in this state and upheld by this court.” *Id.*, at 157, 137 N.W. at 654. The principle of local self-government recognized by the Michigan Supreme Court prior to the 1908 Constitution

is reflected in *Union St. Ry. Co. v. Snow*, *Circuit Judge*, 113 Mich. 693, 70 N.W. 332 (1897), (Mich. 1897) (upholding the city's right to terminate a franchise for non-payment of franchise fees totaling \$7,000). *See also*, *Ostrander v. City of Lansing*, 111 Mich. 693, 70 N.W. 332 (1897).

In 1908, the very year that local government authority was embedded in the State Constitution, the Supreme Court suggested that the new Constitution would simply guarantee the protection of existing municipal authority. Upholding the authority of the City of Detroit to set gas utility rates, the Court pointed to the law under which the gas company was incorporated:

The act for the organization of gaslight companies—gives the consenting municipalities broad powers. Without its consent a gas company cannot lay its pipes in the streets, and without so laying them it cannot furnish gas to the inhabitants of the municipality. The city may refuse to grant that consent. It is clear, too, that it may attach conditions to its consent.

Boerth v. Detroit City Gas Co., 152 Mich. 654, 656-57, 116 N.W. 628, 629 (1908). Moreover, the Court emphasized that the salient factor in determining the scope of the city's authority to "attach conditions to its consent" was defined by the distinction between its proprietary and governmental authority:

It is not contended that the city of Detroit has the legislative power of determining rates. That would be the power of regulating these rates according to its own wisdom from time to time precisely as the Legislature regulates the rates of railroads. Complainant agrees with defendant that the city possesses no such power. The power to prescribe rates by contract--and that is the power which was exercised in this case--is a very different power from the legislative power regulating rates.

Id. at 630, 116 N.W. at 658-59.

The interpretation of Article VII as a reservation of some municipal authority that is immune from State interference is also supported by its "contemporaneous construction." In *Wood v. City of Detroit*, 188 Mich. 547, 155 N.W. 592 (1915), the Supreme Court acknowledged that "the Constitution of 1908 has pointed out the extent of the local powers and capacities of

cities and villages with more precision than was done in former Constitutions, *thus restricting the power of the Legislature to grant or to deny to particular communities the enumerated capacities and powers at will.*” *Id.* at 558-59, 155 N.W. at 596 (*emphasis supplied*). In the Supreme Court’s 1918 decision in *City of Kalamazoo v. Kalamazoo Circuit Judge*, and in *Michigan United Light & Power Co. v. Village of Hart*, 235 Mich. 682, 209 N.W. 937, (Mich. 1926), the Supreme Court recognized that Article VIII, § 24 of the 1908 Constitution (now at Article VII, § 26) granted municipal powers immune from State legislative interference, and that the State legislature’s plenary authority cannot be wielded at the expense of expressly granted municipal powers. *City of Kalamazoo* at 155-56, 166 N.W. 1001; *Michigan United* at 685, 209 N.W. 938. “While the Legislature has the power to fix a maximum rate of taxation for municipal purposes, and to restrict the right of the village to borrow money and contract debts, such power must be exercised subject to applicable provisions of the Constitution. It cannot limit the power granted by the Constitution or deprive the village of its benefits. Because it undertakes to do this, the legislative enactment relied on by the plaintiff is unconstitutional.” *Id.* at 685-86, 209 N.W. 938. In *Auditor General v. City of Detroit*, 204 Mich. 492, 170 N.W. 549 (1918), the Supreme Court upheld the city’s title to land acquired at a tax sale, distinguishing a prior case in which the city was ejected from land, also acquired at a tax sale, but subject to an easement previously granted to the state. According to the Court:

The obstacle to applying that rule in the instant case is that the state had no right, title, easement, or interest in, or control over, these lands. The city had bought them from private owners for municipal purposes, and was not acting for the state in its exclusive possession and control of the property for a municipal purpose. To hold that the city was acting as an agent of the estate in the ownership and control of property devoted exclusively to one of its local municipal activities would be to overturn the doctrine for which cities have strenuously and successfully contended under the aegis of home rule and right of local self-government since early in the history of the state.

Id. at 451, 170 N.W. at 551-52.

F. The Local Governments' Autonomy Recognized in the 1908 Constitution was Preserved in the 1963 Constitution, whose Legislative History Reveals the Repeated Rejection of an Amendment that Would Have Subordinated Local Authority under Section 29 to State Legislative Supremacy.

If there remained any doubt that the Framers of the 1908 Constitution had intended to reserve a sphere of local government autonomy against State legislative interference, doubt on that point is forcefully dispelled by the legislative history of Section 29 in the 1963 Constitution. The legislative history unmistakably reveals the reservation of local governments' constitutional authority to be a conscious and deliberate decision by the 1961-62 constitutional convention. Repeated attempts by a small faction of the delegates to dilute or condition existing local control of the rights-of-way by amending Article VIII, Section 28, of the 1908 constitution through the so-called "Hanna amendment" to make that authority "subject to this constitution and the general law of this state," were turned back on five occasions as Section 29 proceeded on its parliamentary path through the convention. The legislative history on this point is as clear and convincing as one could expect from any legislative history. The Michigan Supreme Court has recognized the controlling nature of such legislative history.

The repeated rejection by the constitutional convention of the Hanna amendment that would have allowed the legislature to "limit" the constitutional franchising powers of the local government in the first sentence of Section 29 is entitled to a stronger presumptive effect. As the U.S. Supreme Court said in *INS v. Cardoza-Fonseca*, 480 U.S. 421, 442-43 (1987), of Congress' enacting the language from the House bill rather than the language from the companion Senate bill:

Few principles of statutory construction are more compelling than the proposition that Congress does not intend sub silentio to enact statutory language that it has earlier discarded in favor of other language.

Here, the constitutional convention — not *sub silentio* but on divisional votes — defeated an amendment that would have subjected the exercise of the local government's proprietary rights to State preemption.

The weight to be given to votes rejecting amendments to pending legislation is well-established in Michigan jurisprudence. In *People v. Adamowski*, 340 Mich. 422, 429, 65 N.W.2d 753, 757 (1954), the Supreme Court rejected the Attorney General's view as to the meaning of a statute prescribing penalties for overloaded trucks, saying:

When the legislature affirmatively rejected the statutory language [i.e., the bill amendment] which would have supported the State's present view, it thereby made its intention crystal clear. We should not, without a clear and cogent reason to the contrary, give a statute a construction which the legislature itself plainly refused to give. This Court said in *Wayne County v. Auditor General*, 250 Mich. 227, 235, [229 N.W.2d 911, 914] in construing an act for the distribution of highway funds, that:

The legislative history of the 1927 act reveals the fact that while it was pending in the legislature, a proposed amendment was rejected which, if embodied in the act, would have rendered it subject to plaintiff's interpretation and not to that of the defendant. * * * Surely this gives rise to the inference that the legislature did not intend the act should be subject to the interpretation now urged by plaintiff."

More recently, the Court of Appeals has attributed to the rejection of a substitute bill the following effect:

The Legislature made its intent clear with the rejection of this substitute. *People v. Adamowski*, 340 Mich. 422, 429, 65 N.W.2d 753 (1954). Without a clear and cogent reason, a court should not give a statute a construction that the Legislature plainly refused to give. *Id.*, *Elliot v. Genesee Co.*, 166 Mich. App. 11, 17, 419 N.W.2d 762 (1988).

Allstate Ins. Co. v. Michigan Dept. of Insurance, 195 Mich. App. 538, 546, 491 N.W.2d 616, 620 (1992).

And, in *Miller v. State Farm Insurance*, 410 Mich. 538, 567, 302 N.W.2d 537, 546 (1981), where the legislature enacted no-fault automobile legislation without a clause that was before the Senate, the Supreme Court said:

It is logical to conclude that the Legislature eliminated the italicized clause for a reason, and mostly likely the reason... [was that it disagreed with the substance.] We are asked, however, to hold ... that the Legislature meant in § 3108 not only what it did not say explicitly, but what it explicitly rejected. We are not inclined to do so.

To the same effect are the Federal cases, cases in numerous other states, and the treatises. *See, e.g., Norwegian Nitrogen Products Co. v. U.S.*, 288 U.S. 294, 306 (1933); 2A Singer: Sutherland on Stat. Const. § 48.18 (5th ed.).

The vote from the convention proceedings that most clearly shows rejection of the addition of the language “Subject to this constitution and the general law of this state” to the first sentence of Section 29 was the recorded vote of 51-68 on second reading, April 17, 1962. Official Record of the Michigan 1961-62 Constitutional Convention at 2538-39. On the floor the “subject to” language was proposed on second reading by Mr. Hanna, was opposed by Mr. Elliott, the chairman of the Committee on Local Government which had previously rejected the “subject to” language, and was rejected 51-68.

A further attempt was made under suspension of the rules on third reading three weeks later, as the convention was coming to a close, to add the “subject to” language. *Id.* at 3143 (May 8, 1962). This time Mr. Hanna had obtained the support of Mr. Elliott. Mr. Elliott explained his personal change of position (his committee not having met again) by saying that he was now satisfied that the change in language did not affect rights of the utilities and the highway commissioners. *Id.* at 3144. His conclusion was disputed by at least two members of the convention. Sizing up the situation, Mr. Hanna admitted “there is a problem here”, and he struck out the phrase, “Subject to this constitution and the general laws of the state....” *Id.* Notwithstanding his retreat, Mr. Hanna’s amendment was still defeated 26-88, *Id.* at 3145, thereby sustaining the vote of April 17th. Article VII was thereupon adopted 92-26. *Id.* at 3146.

The law even prior to 1908 recognized the resistance of the proprietary rights of local governments to legislative intermeddling. But, passing that, even if the first or second defeat of the amendment is not convincingly intentional, it must be seen as purposeful by the time of its fifth and final rejection. As nearly as can be gleaned from the printed record, each of those defeats resulted from the apprehension by the utilities and others that the amendment's language would in fact change the existing law.

Mr. Hanna's proposal to make local government's proprietary authority "subject to" state preemption was repeatedly rejected. It was rejected in the Local Government Committee and consequently was not in the language adopted on the floor by the Committee of the Whole on first reading;³⁸ it was rejected in the Committee on Style and Drafting;³⁹ it was voted down on the floor on second reading; and it was withdrawn in the face of opposition on the third reading.

While it is apparent from the convention proceedings that there were different bases of opposition to the "subject to" language expressed at different times by different members, it is also as clear as it ever is in matters of this nature that the delegates acted five times – twice in committees and three times on the floor – to adopt of Section 29 without the "subject to" language and that, though given the opportunity to vote for such language in committee and on the floor, they repeatedly declined to do so. No proponent expressly relied on judicial constructions of the first sentence of then-Section 28 implying such a limitation, for there was none. In contrast, the Committee on Style and Drafting added the phrase "Except as otherwise provided in this constitution" to the *second* sentence of Section 29.⁴⁰ In any event, there is no defensible basis for inferring that the convention meant to limit municipal franchising by

³⁸ Convention Proceedings 1990-91 (February 15, 1962). The text of the Local Government Committee's proposal as adopted on first reading and referred to the Committee on Style and Drafting is printed at 1107.

³⁹ *Id.* at 3144.

⁴⁰ *Id.* at 2538.

omitting the language proposed to be added to the first sentence that would have accomplished that result.

IV. THE MICHIGAN CABLE FRANCHISE EXPERIENCE

A. Diverse Needs and Interests Make A Federal Cookie-Cutter System Unworkable.

In this section, the Michigan Coalition seeks to illustrate the unique needs and interests among Michigan communities: differences reflected in channel capacity, PEG capital grants, upstream connections, I-Nets, consumer protections and upgrade requirements. There are differences in the details of many provisions that have merely been mentioned above, such as construction standards and customer service rules. These different franchise agreements reflect some of the differences among the communities involved: differences in size, in demographics, in location, and in the priorities a community attaches to their needs and interests

In an effort to share with the Commission a snapshot of these key aspects of the cable franchising process in Michigan, the Coalition requested that its members complete a simple survey to illustrate in real terms what is not reflected in the NPRM. Local franchising produces benefits for local communities, but local needs and interests differ, and effectively addressing those needs and interests requires local franchising, not a cookie-cutter template imposed from above. Further, the history of Michigan has been local franchising has not impeded, but has actually enabled, cable competition.

The survey of 95 Michigan communities ranging in size from fewer than a thousand to national cities such as Grand Rapids and Detroit, with a larger percentage of respondents being from small to mid-size communities has been broken into two components – a numerical review and an anecdotal spreadsheet. Table 1 reflects a numerical summary of the responses to the cable franchise terms survey, such as in Michigan the numbers reflect the broad acceptance of

cable as an essential service with the percentage of subscribers in the participating communities ranged from 8% to as high as 90% of a communities households.⁴¹

While numbers are important, the Coalition would assert that the real insights into the mosaic of local franchising are to be found in the stories of what matters to a community in franchising. The results of this research may be found in Appendix A, a collection of anecdotal insights. Some of these anecdotes will also be incorporated into the text of this section as a means to bring the issues to life.

Table 1
Numerical Summary of Survey Responses

RESPONDENTS BY SIZE OF COMMUNITY					
	# of communities	Total Responding		Percent of Respondents	
Population					
1-5,000	43	95		45%	
5,001-25,000	28	95		29%	
25,001-75,000	18	95		19%	
75,001-150,000	4	95		4%	
150,001+	2	95		2%	
TERMS CONTAINED IN FRANCHISES					
Franchise Requirements	Yes	No	Total Responding	Percent of Respondents	
Universal Service	76	17	93	82%	
Minimum Channel Capacity	71	16	87	82%	
PEG	76	10	86	88%	
I-Net	28	55	83	34%	
Return Feed	25	57	76	33%	

⁴¹ Please note that in at least one community (Walkerville), the municipality had not been able to attract an operator willing to provide them with services and, as such, had a subscription percentage of zero.

Funding	Yes	No	Total Responding	Percent of Respondents	
Initial Funding Required	38	48	86	44%	
Continuing Grants Required	29	54	83	35%	
Franchise Fees Required	85	8	93	91%	
EXPERIENCES WITH OVERBUILDERS					
Competitive Service	Yes	No	Total Responding	Percent of Respondents	Percent of Communities Requested?
Has anyone Requested Competitive Franchise	20	74	94	21%	
Municipality Denied Competitive Franchise	4	90	94	4%	21%
Municipality Granted Competitive Franchise	13	81	94	14%	65%
Line Extension Density Reached	38	54	92	41%	

B. Requirement to Serve All Has Benefited Michigan Residential Consumers and Enhanced Availability of Advanced Services.

Federal and local regulators have carefully developed flexible and productive regulatory schemes over the last 30 years and for the residents of local communities, by providing them some prescribed level of control over the access to their neighborhoods. Thus the current franchise framework for the provision of video/cable services works well for operating companies willing to be governed by it. The current structure also demands financial and in-kind support for local communities in exchange for the public resources employed by the private enterprise. But this is no different than that which is required of every for-profit business to support and promote the existence and infrastructure of the local community in which it does

business; to the ultimate benefit of both. Finally, and perhaps most importantly, the current franchising process works for the families, businesses and communities of the State of Michigan by providing a unique bundle of products including government access, school access, Emergency Broadcasting and other public safety mechanisms, Internet, and most recently, voice service.

While universal service may be a term of art meaning different things to different parties, for Michigan LFAs, the term embodies the spirit of leaving no subscriber behind. Eighty-two percent (82%) of responding municipalities indicated that they required cable operators to make services available to all residential consumers within their franchised area as a franchise requirement.

The experience of most franchising authorities has been that operators prefer to lay their cables and provide services only to those portions of communities that are most likely to order expensive services, specifically those areas of the community supporting the wealthiest members of its population. Left unchallenged, company deployment plans would result in gerrymandered coverage, where only some people are provided with the option of certain services or if services are made available to poorer areas, it is so delayed as to effectively deny service altogether.⁴²

⁴² A vivid example of such gerrymandered deployment plans was revealed by AT&T (then SBC) in a slide show for financial analysts. SBC said it planned to focus almost exclusively on affluent neighborhoods and broke out its deployment plans by customer spending levels: The company boasted that Lightspeed would be available to 90% of its 'high-value' customers - those who spend \$160 to \$200 a month on telecom and entertainment services - and 70% of its 'medium-value' customers, who spend \$110 to \$160 a month. SBC noted that less than 5% of Lightspeed's deployment would be in 'low-value' neighborhoods - places where people spend less than \$110 a month. *See* NPRM at n 37. *See also* W. David Gardner, BROADBAND 'REDLINING' ISSUE RAISED IN FIBER DEPLOYMENT, TECHWEB, February 11, 2005. Ted Hearn, SACHS: WATCH OUT FOR SBC REDLINING, MULTICHANNEL NEWS, December 14, 2004.

Michigan saw these seemingly arbitrary red lines of “service-no service” down the middle of roadways, effectively cutting neighbors off from access to similar services.⁴³ Such hand picking of customers can only be prevented by necessitating negotiations with local governments who know their communities’ make-up and needs and who then have the local authority to enforce compliance as provided by the Congress in 47 U.S.C. § 552.

C. Density Requirements for Line Extensions.

Because local franchising authorities understand that you cannot ask a party to make investments that are uneconomical, many of the responding parties demonstrated that they have created a duty to serve only when the density of the area to be served meets a certain threshold. Examples of the type of density requirements imposed by Michigan franchises would be:

COMMUNITY	POPULATION	DENSITY REQUIREMENT
Clare	3,173	4 homes per mile.
Fenton	12,200	20 homes per mile.
Holland	35,000	20 homes per mile.
Chesterfield Township	40,000	30 homes per mile.
Grand Rapids	197,800	30 homes per mile.

Despite wide variances in population sizes between these communities, all have required line densities of less than 40 homes per mile. The average density requirement of the surveyed communities was 36 homes per mile. Opponents of local franchising like to portray themselves as fearless⁴⁴ builders of advanced networks, and local communities as clueless Luddites standing

⁴³ See Exhibit C for a map showing Ameritech New Media’s (now AT&T former affiliate) coverage that effectively circumnavigated low income and minority populated communities.

⁴⁴ The imaginary nature of this self-portrayal is evident both from the current Bells’ ten-year wait (since the 1996 Act) to take any steps at all to provide broadband video, and from the remarkable array of bailout provisions and escape clauses in the typical Verizon franchise agreement. (The one Bell company that did move aggressively into cable, Ameritech, was

in the way of progress. The results of the Michigan Coalition's research point to a crucial fact: Local franchising drove the expansion of advanced cable networks. Local communities have not impeded the deployment of broadband; rather, they have always pushed cable operators to commit to faster, broader deployment through their franchise agreements. Most of the respondents indicated that they have included upgrade provisions, either as specific requirements at the start, or in the form of a right to demand state-of-the-art systems later if the operators fall behind. This shows the LFA's commitment to *advanced* networks. And every franchise contains requirements that cable operators extend service to as low a density as possible. This shows the communities' commitment to extending the *deployment* of such networks. Moreover, the actual results of this local franchising initiative show that it has worked: cable networks have developed far further in the last twenty-five years than the public switched telephone network (largely unaffected by local franchising) did in the past century. If the Commission is serious about wishing to promote the deployment of advanced networks, it should welcome the involvement of local governments.

D. PEG Channel Capacity.

The NPRM appears to assume that local governments' interest in franchising is limited to right-of-way management and franchise fees.⁴⁵ The Michigan survey responses make it clear that PEG channel capacity and capital support for PEG channels are essential terms for a

acquired by SBC (now AT&T) – which immediately stopped the grand experiment and sold off the cable systems.) Indeed, the Bells' most marked characteristic in this venture appears to be fear – which is one reason that relying on these companies alone to lead us to the promised land of competition would be unwise.

⁴⁵ The Commission defines “the primary justification for a cable franchise” as a “locality's need to regulate and receive compensation for the use of public rights of way.” NPRM at ¶ 22. While the Coalition applauds the Commission's recognition of the importance of rights-of-way management and compensation, there are also other important things involved in local cable franchising.

franchise.⁴⁶ A list of significant beneficiaries of the current PEG system would include local churches, civic groups, elder facilities, youth programs, and public safety organizations. But the number of PEG channels negotiated, and the kind of support, varies considerably, depending on the needs and interests of the individual community.

Congress specifically allocated to local franchising authorities the authority to require cable operators to provide PEG channel capacity and PEG capital support, including institutional networks. *See* 47 U.S.C. §§ 541(a)(2), (3) and (4).⁴⁷ The Commission has no authority to reverse this congressional mandate. Nor does the Commission have the capability to take over this function and achieve each local community's proper balance of PEG. A review of Michigan franchises reflects that channel capacity and capital support for public, educational and governmental (PEG) channels are dominant terms.⁴⁸ Eighty-eight percent (88%) of respondents

⁴⁶ As the Commission is no doubt aware, educational access channels are used by local educational institutions for the presentation of classes and educational information. Educational channels are also used for communications among schools, students, parents and the educational community. Government access channels present local, regional and state government information (typically produced by the local franchising authority) and include city/county council and committee meetings or hearings. Programs often highlight the governmental and public facilities, services or activities within a particular community. Public access channels provide a forum to give voice to the public within certain guidelines established by the access channel manager.

⁴⁷ As compensation for private use of the public rights-of-way, local governments negotiate financial and in-kind compensation from cable operators that is appropriate to the individual community, which may include PEG capacity, facilities and support. As part of these negotiations, cable companies and local governments determine who will provide PEG studios, equipment and staffing. Not all cable operators provide the same number of PEG channels or the same amount or kind of support, and not all communities need the same resources of each sort.

Congress affirmed this practice in the 1984 Cable Act when it stated that a franchising authority may "require adequate assurance that the cable operator will provide adequate public, educational, and governmental access channel capacity, facilities, or financial support." 47 U.S.C. § 541. Congress has twice amended § 541, first in 1992 and again in 1996, but did not alter or limit this right.

⁴⁸ Public Access channels provide a forum to give voice to the public within certain guidelines established by access managers. Educational Access channels are used by local educational institutions for the presentation of classes and educational information. E channels are also used for communications between and among schools, students, parents and the educational community. Government Access channels present local, regional, state and federal

indicate that they have required PEG channels from their cable operators, with the number of channels requested have a large range depending upon the size and needs of the community. Individual communities may choose to receive greater or lesser PEG capital support (or none) for a variety of individual reasons: for example, because they prefer to negotiate other benefits from their contractual partners instead; because they believe that local consumers would bear the additional cost to the cable company; or because they prefer to find other sources of funding for PEG equipment and facilities.

E. PEG Use to Promote Community Awareness

A primary benefit of having designated PEG channels for community access is that they allow all residents to be kept abreast of important happenings in their communities. This is especially important to seniors, the invalid or shut-in as well as those who live in small and rural communities. This latter group receives little programming coverage from major networks, so the local PEG channels have significant importance in promoting community awareness of local events and governmental issues, furthering the community's education, and promoting public safety.

Examples of PEG use as a means to promote community awareness include

- Community bulletin boards announcing civic, church, athletic and other community interests for groups such as: American Red Cross, United Way, Boy Scouts and Girl Scouts of America, League of Women Voters, local churches, public schools, colleges and universities, community waste management, parks and recreation management, fraternal organizations, social clubs, senior centers, libraries,

government information (often produced by the local franchise authority) and include city/county/state and federal legislative and committee meetings and hearings. Programs often highlight the governmental and public facilities, services or activities within a particular community.

philanthropic organizations, zoos and historical museums, veterans organizations; etc.⁴⁹ These organizations are thereby able to communicate to the community without resort to the filters of commercial media.

- Educational programming, many times offered in cooperation with a neighboring community college
- Communities are able to post notices intended to make constituents aware of City Council and Planning Commission agendas, as well as upcoming community events, such as parades, local school events and other functions, and, by way of specific example, the Holland Tulip Festival. PEG channels often also broadcast footage of these events and thereby allow those who cannot experience them in person, such as house-bound senior citizens, to at least view them remotely.
- Several municipalities host regularly broadcast shows (for instance “Downtown Biz” and “Around Town Biz” in Farmington and “Business Matters” in Southfield) that profile local businesses and make residents more aware of the services available in their area. In one instance, during a spate of extensive road repairs in the Farmington area, the PEG channels broadcast which local businesses remained open inside the work zones and may have saved several small business from collapse.

⁴⁹ As an example of one communities’ programming, the City of Detroit offers informational programming regarding NAACP Events and Freedom Weekend, SCLC Annual Dinners, Detroit Urban League Annual Dinner and Events , Booker T Washington Dinner and Forum , ACCESS Dinner , Latino Cultural Foundation , Search Metro for Jobs, Police Athletic League , Lewis Business College, Payne- Pulliam College, Motown Historical Museum, March of Dimes, YMCA Minority Achievers, Hamtramck Chamber of Commerce, Comcast Cares Day, Detroit Public Schools, Adams Butzel Baseball League, DABO Dinner, Leaders and Achievers Dinner/Lunch, Black United Fund Banquet, Museum of African American History , University of Detroit Mercy, Marygrove College, United Negro College Fund, and the Boy Scouts. *See* Appendix A.

- When a school library burned down in Southfield, the local public access channels hosted a fundraiser in order to help rebuild the library.

F. PEG Role in Bringing Government Closer to the People.

Many of the responding communities noted that they employed PEG channels to broadcast meetings of city councils, city planning commissions, Chambers of Commerce, school boards, Parks & Recreations Boards, and other important community administrative boards.

- Subscriber surveys in Southfield have consistently reported that government related programs constitute the most watched shows airing on local PEG channels.
- Meridian Township, home to a nationally award winning government access television channel, has conducted phone surveys suggesting that 60% of cable subscribers have viewed township meetings and that 80% value the governmental programming made available.
- In several reported instances, constituents have shown up literally in their pajamas because of their desire to participate in a live debate that they would not have known was taking place had they not observed it being broadcast live on their local access channels.⁵⁰
- During a recent election in Meridian Township, a proposed millage renewal for Public Safety was on the ballot. The residents were able to tune into the government channel to learn about the millage and were thereby informed voters at the polls. The millage passed by an overwhelming three quarters vote.

⁵⁰ See testimony of Livonia, Michigan citizen at a September 20, 2005 council meeting of the City Planning Commission, Exhibit D.

- The city of Southfield, among others, hosts live forums and debates for the candidates of local governmental races. It also televises live local election returns, which information would not be adequately covered on major television stations.
- PEG channels allow for coverage of the Michigan Governmental Television Channel (MGTV) in instances where the local broadcaster or cable operators will not make it available on commercial programming. This ensures residents have access to what is happening in their government on a State and/or national level.

G. PEG's Role in Promoting Educational Opportunity.

Appendix A is full of anecdotes of how Michigan communities have incorporated their PEG channels into the local school boards efforts to make education a family event. A collection of educational applications for PEG include:

- Southfield Public Schools utilize PEG to promote a local homework hotline that school children use to receive help on their schoolwork.
- Several communities participate in the Detroit Reading and Information Service, where volunteers read the newspaper and other informative literature for the benefit of the vision impaired.
- A PEG channel in Milford is run entirely by high school students through a television studio at the high school. Such programs are focused on educating the students in television technology and station management.
- Residents of participating municipalities produce their own public access shows aimed at helping to educate their community, such as "Window to Washington", a nationally

recognized, award-winning cable television program produced by Congressman Joseph Knollenberg and viewed in over 30 southeastern Michigan communities.⁵¹

- Other PEG educational programs include health related programming explaining available medicines and/or treatments and where they may be obtained locally, as well as exercise shows.
- Waterford Township has designed a program to assist seniors live healthier lives.⁵²

H. PEG as a Means to Make Our World Smaller.

While Michigan residents are proud to be citizens of their local community, they understand that they are also citizens of the world, a world that gets smaller everyday. Still PEG channels are used around the state to provide access to ethnic programming that makes the world seem a little less foreign for all. For instance:

- Waterford Township presents programs such as “Liberia Today” and “Hispanics in Oakland County” that are intended to broaden the cultural horizons of observing residents.
- Dearborn, Michigan, home to one of the nation’s Muslim populations, sought to make the world a little smaller by ensuring the Muslim American Youth Academy, which teaches children from nursery school up to the age of 14, had access to cable and PEG facilities.

I. PEG Use to Promote the Public Welfare.

Local governments may use the federally mandated Emergency Alert System (EAS). They may also use a similar but separate system – what might be called a local alert system (“LAS”) – to disseminate local emergency alerts over a cable system. In each case, the ability to use the cable system to spread vital emergency information can be a significant benefit to the

⁵¹ See <http://www.house.gov/knollenberg/mediacenter/press/2001/08.06.01.htm>.

⁵² For a list of award winning cable programs provided for by Detroit public access channels, see Exhibit E.

community. Both types of solutions can be required by local governments as part of a cable franchise. But the different situations facing individual communities mean that local communities must retain the flexibility here to negotiate what they need. Examples of public safety uses of the cable system in Michigan include:

- Information on hazardous weather, especially snow emergencies, flood warnings and tornado warnings are broadcast during emergencies. These early warning systems also have implications for Homeland Security.
- School closings, road repairs, and business closings are also commonly reported on public access channels.
- During the blackout of 2003, when many outlying areas were still without power, Detroit PEG channels were able to air raw footage of a Mayoral press conference outlining what was happening in the Detroit area and how power would be restored. The city was also able to provide warnings that water should be boiled and information about where the elderly or sick could find medical care or “cooling stations”. Because of the simplicity of the airing requirements of the PEG system, the message was received by subscribers significantly ahead of any reports that could be made by more major stations.
- Plainfield Township reports that during a major sewer lift station failure resulting in wastewater overflowing to the Grand River, in coordination with the franchisee broadcast an emergency message requesting residents to reduce their sewer usage so as to lessen the damage to the environment.
- Many Michigan communities have the ability to scroll ‘Amber Alerts’ across their PEG channels when a child is reported missing; but above and beyond this ability, local public access channels are able to display information about missing persons for

a considerable amount of time, thereby better ensuring that missing children will be safely returned. For example, when two minor mentally impaired females were missing from the Farmington Hills area, as a direct result of their descriptions being broadcast via public access for several hours, they were identified boarding a bus heading to Detroit and were safely recovered upon reaching the city.

- Comcast participates in the City of Detroit's annual 'Angel's Night' watch and in the city's "eyes and ears" program, whereby their technicians report any unusual activity occurring in vacant or abandoned buildings.
- As recently as 2005, the community of Romulus experienced an explosion at a solvent recovery plant that required the evacuation of a large portion of the city. PEG channels were used by the community to broadcast continuing updates on the disaster and cover the subsequent Department of Environmental Quality press conferences.

J. Capital Grants for Access.

Some Michigan communities have negotiated capital funding for public, educational, and governmental access facilities and equipment. Unlike access channels, which are almost universally requested, not all communities have sought capital support. Forty-nine percent (49%) of the respondents reported receiving some form of PEG capital support. Those communities receiving capital support received the funds in one of three ways. Some receive payment over the life of the franchise (34%), while others (13%) were able to negotiate an upfront lump sum payment to purchase the equipment required to make PEG shows a reality. Twenty-seven percent (27%) received some funds in an upfront lump sum, with additional PEG support, typically based on a per subscriber basis or a gross revenue percentage, over the life of the franchise.

Initial grants ranged from \$10,000 to \$ 1.5 million, with the operator in some cases merely agreeing to pay for the necessary space and equipment rather than to a specific price.

A list of significant beneficiaries of the current PEG funding system, in addition to the community generally, would include public schools, local churches, civic groups, senior facilities, youth programs, and public safety organizations too numerous to list in the text of this summary. Readers are encouraged to review the exhaustive list in Appendix A.

K. Return Feed from Access Origination Sites.

In addition to the channel capacity and capital support, broadband connections between a community's access studios or sites, such as the city council or school board's chamber, and the cable operator's headend are vital to making PEG a reality. Of the communities responding to the survey, 33% report that they have negotiated a return feed, with 4.5 being the average number of linked.

L. Cable Drops and Service (PEG).

Another form of in-kind support approved by Congress for the franchising process was the creation of an interconnected community. Local franchise authorities many times have negotiated to have a cable operator furnish connections (drops) and basic service to public, educational, and governmental facilities. Eighty-two percent (82%) of the respondents indicated that they had indeed negotiated such a term.

An example of the need to enforce such a term was seen in Dearborn, Michigan, where its Muslim school desired cable access, but as a result of the school's distance from the operator's main lines, the operator insisted they be paid \$20,000 for the additional build-out. The school contacted the City which was able to point out to the operator that their franchise agreement required the provider to give schools free cable access.

M. Institutional Networks (I-Net).⁵³

As compensation for private use of the public rights-of-way, local governments negotiate financial and in-kind compensation from cable operators including I-Nets. As part of these negotiations, cable companies and local governments negotiate who will construct and manage the I-Net and if any compensation is required for such services. Not all cable operators have agreed to construct I-Nets and not all communities have requested them. The Cable Act recognizes local authority to require construction of I-Nets in 47 U.S.C. § 544(b) (right to require cable-related facilities and equipment); and the authority to require dedication of capacity on I-Nets in 47 U.S.C. Section 531(b). Section 541 specifically exempts I-Net requirements from the general prohibition on requiring telecommunications services.

Thirty-four percent (34%) of the respondents indicated that their franchise required an I-Net.

- In Warren, Michigan, operators provide internet access for fire and police buildings, libraries, schools and municipal buildings.
- Grand Rapids uses its institutional video network to create closed circuit television training for the 11 remote fire stations located throughout the 35 square mile city limits.

This saves the city a considerable amount of money by requiring instructors to make only a single visit in order to perform training classes.

N. Franchise Fees.

Franchise fees represent part of the compensation a community receives in exchange for a cable operator's use and occupation of public property - the public rights-of-way. Thus, a

⁵³ Institutional networks are high-speed, typically fiber optic, wide-area communications networks, which connect government agencies, schools and other non-profit entities. I-Nets can serve as secure and dedicated public safety networks, which are interconnected with but operationally separate from commercial cable and telephone systems and thus are playing an invaluable role in pursuit of homeland security and the promotion of PEG.

franchise fee is in the nature of a rental charge. A community's right to charge a franchise fee stems from its basic rights over its own property. These rights do not arise from federal law, but predate the Cable Act.

While franchise fees are often used as a source of funding for a community's cable-related activities or administration of a cable franchise, there is nothing that requires franchise fees to be used for these purposes. 47 U.S.C. § 542(h)(2)(i). Thus, franchise fees can be contributed to a local government's general revenues, dedicated to PEG support or cable oversight, or used for any other function, depending on the needs of the community - just as with any other income from private use of the community's assets. While many might presume that all local franchising authorities would automatically demand the federal maximum five percent (5%) fee, the survey of Michigan communities reveals that some twenty percent (20%) that have chosen to assess less.

While a community is free to spend its cable franchise fee in any manner it chooses, most dedicate a portion to the administration of their cable commission, PEG activities and maintenance of the rights of way in which the cable lines are actually laid. The balance is generally paid directly into their community's general fund, where it is often used to pay for such necessities as police and fire workers, road repair, and other public safety costs.

- Midland uses their revenues to pay for 4 full time city employees who would be laid off as a result of revenue losses.
- The City of Meridian uses their franchise fees solely to support their PEG channels and, if their franchise fees were eliminated, they would lose all financial support for their governmental PEG channel and be forced to lay off 3 persons currently employed in part-time positions involving PEG access.

- The city of Detroit, among other severe cuts, would have to completely eliminate emergency broadcasts which have been beneficial to the community in the past.

O. Term

Most communities are adopting shorter terms for incumbent franchise renewals. Experience proves that there is a need to revisit franchise issues frequently, particularly as technology changes accelerate. Additionally, because most incumbents are now in renewal terms as opposed to initial terms, they are not faced with a long pay-off period to recover capital investment. It should, therefore, not be a surprise that the average term of respondents' franchises is now 13 years, with the following percentage of franchises lapsing in the upcoming years.

Year	Percentage of Franchises Expiring (or presently lapsed)
2006	12
2007	5
2008	5
2009	9
2010	11
2011	3
2012	2
2013	7
2014	6
2015	9

By the year 2015, sixty-nine percent (69%) of those franchises currently in place will have lapsed.

P. Overbuild History.

Michigan has a rich history of overbuilders. Twenty-one percent (21%) of the respondents indicated that a competitive cable franchise was sought in their community, and in 65% of those cases a competitive franchise was granted. In those few instances where a competitive franchise was not awarded, was generally the result of those seeking the overbuild backing out of negotiations before they could be completed, and not as a result of any desire on behalf of the communities to prevent competition.⁵⁴

There have been two primary waves or broad categories of overbuilders in the nation, and a representative of each has found their way to Michigan. The first category of companies sought a local franchise to build and operate an independent, stand-alone “cable system” within the meaning of the federal Cable Act. The second wave of overbuilders was comprised of open video system (“OVS”) operators.⁵⁵

The names of the companies that were issued these competitive franchises seem strangely familiar to the parties that are now before the Commission. In fact, Ameritech New Media obtained cable franchises from several municipalities in Michigan prior to being acquired by SBC.⁵⁶ However, Ameritech decided to get out of the cable business and assigned their franchises to another company in 2001.

Despite what cable operators might claim, there is no great difficulty obtaining a competitive franchise in Michigan. In fact, municipalities in Michigan are beckoning

⁵⁴ The review of Section 541(a)(1) cases did not reveal any cases brought against a Michigan LFA for failure to grant a competitive franchise.

⁵⁵ An open video system functions as a hybrid common carrier/cable system. The OVS operator must lease large portions of its system channel capacity to third parties to provide cable services. The OVS operator can retain control of a portion of the cable system itself. There is no federal franchising requirement that applies to OVS operators even though the service provided is identical to the service provided by franchised cable operators

⁵⁶ See, e.g., Survey Response Summaries for Macomb Township, Warren, and Hazel Park. Appendix A. See also NPRM at ¶ 8 (“In that regard, we note that SNET and Ameritech both obtained cable franchises before being acquired by SBC.”).

competition with open arms.⁵⁷ We are aware of no community that has denied a franchise nor refused to engage in franchise negotiations with any of those complaining of the current system. It is the complaining parties that have yet to take the time to seriously sit down with any municipalities and negotiate a franchise. Existing franchise agreements can be easily amended to add any qualified newcomer.

Q. Customer Service.

Largely ignored in the discussion of fees, PEG, I-Nets and rights-of-way has been the critical role local governments have played in providing consumer protection. While the Commission has adopted minimum customer service standards (which have not been revisited since 1992), Congress preserved the ability of a local government to set more stringent customer service standards, where necessary, and to enforce those standards along with the Commission's. 47 U.S.C. § 552.⁵⁸ Moreover, the contractual relationship of a franchise agreement, together with any ordinance-based mechanisms available in a given community, have provided the indispensable mechanisms that allow enforcement of these standards. The franchises outlined above approach these issues in different ways, depending on the problems that have arisen in each community; but each reflects the principle (well-grounded in experience) that cable operators will take advantage of customers unless they are aware of adverse consequences from doing so

The Commission is not going to take over the job of dealing with customer complaints nationwide. It must not stand in the way of those who can.

⁵⁷ See, e.g. Letter Inviting Cable Participation. Exhibit F.

⁵⁸ 47 U.S.C. § 552 (a) provides: "A franchising authority may establish and enforce— (1) customer service requirements of the cable operator; and (2) construction schedules and other construction-related requirements, including construction-related performance requirements, of the cable operator."

- The community of Bloomfield Township fields over 130 customer complaints a year.⁵⁹ They are able to intervene on behalf of their residents with regard to these complaints and get timely results from the operator companies. The Waterford Cable Commission has received over 1000 calls from cable subscribers during the past eight (8) years that their franchise has been in place, 90% of which the Commission managed to successfully resolve.
- In Grand Rapids, the Office of Cable Television Administration is the first point of contact for cable subscribers who are not happy with the complaint resolution of the local cable operator. The Cable Television Administration works as an Ombudsman with both parties to resolve complaints or stress situations. Often, the cable company is thankful for this involvement because it will expose points of weakness in their customer service operations.
- Southfield, Michigan reports when an operator installing cables dug into a cemetery disturbing graves, the local franchise authority was able to coordinate the response of the local sheriff, coroner, funeral director and other persons necessary to resolve the matter.⁶⁰
- There are numerous condominium and apartment associations in the Birmingham area. In one case, Comcast subcontractors left orange extension wiring and cabling strewn over tenants' gardens and walkways. This occurred enough times that the Birmingham Area Cable Board pushed for a permanent solution. Comcast now assigns a specific lead technician to apartment complexes, and complaints are handled directly through the complexes' main office.

⁵⁹ See Bloomfield Township Record of Complaints. Exhibit B.

⁶⁰ Southfield is not alone in experiencing such difficulties. In December of 2004, Verizon began experiencing problems with the installation of underground fiber optic cables in the area of Tampa Bay, Florida. Over 200 water and sewer lines were cracked in the process. See Bill Varian, TANGLE OF TROUBLE LURKS UNDERGROUND, ST PETERSBURG TIMES, December 25, 2004 *available at* <http://pqasb.pqarchiver.com/sptimes/770713421.html?MAC=756edd69da31f43b3575905d339e9fad&did=770713421&FMT=FT&FMTS=FT&date=Dec+25%2C+2004&author=BILL+VARIAN&printformat=&desc=Tangle+of+trouble+lurks+underground>

R. Cable-Community Partnerships.

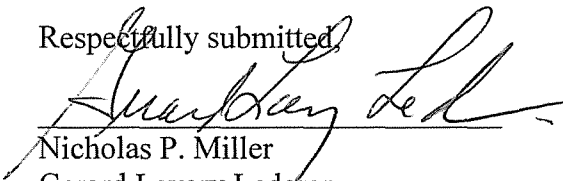
As a means to build community and brand name, many cable operators in Michigan provide support to the community in ways beyond that established by the Congress.⁶¹ Such significant, non-fee benefits might very well be eliminated should local franchise authorities lose their bargaining positions with regard to the cable operators.

CONCLUSION

For the reasons indicated above, the Bureau should decline to intrude into local cable franchising.

Michael J. Watza
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⁶¹ See e.g., Comcast has donated \$3,000 toward the purchase of GED workbooks and the sponsoring of a GED program. In Grove Land Township, the local cable company provides two scholarship grants to local children every year. The company servicing Springfield Township provides \$1,000 in scholarship funds every year. Operators for the cities of Livonia and Hudsonville have offered to support community Christmas lights displays. Comcast Cares is a yearly program where hundreds of operator employees turn out to volunteer their time and clean up their member communities.

CERTIFICATION PURSUANT TO 47 C.F.R. § 76.6(a)(4)

The below-signed signatory has read the foregoing Comments of the Michigan Coalition, including attachments, and, to the best of my knowledge, information and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; and it is not interposed for any improper purpose.

Respectfully submitted,

02/13/06
Date


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APPENDIX A

Michigan LFA Franchise Survey: Anecdotal Results

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Benefits Provided by Cable Operators	PEG	Uses and Benefits of I-Net
Hudsonville	Operator has offered to help with Christmas decorations and banners.	Used by all local churches, school events, parades, public safety, local events, theatre events, etc.	Is not currently in use, however it is included in the franchise contract.
Plainfield Charter Township	Provides free service to schools and municipal buildings, as well as emergency crawl messaging		
Reed City	Free cable modem & internet access to City Hall.	PEG broadcasts the Community Calendar, United Methodist Church Sunday services are on a PEG, City Council meetings, home games of the High School Basketball and Volleyball teams.	
Howard City		Many public and non-profit groups use the channel to advertise events and post information.	
Clio	Provide emergency alert system.		
Norton Shores		Mona Shores High School and Muskegon Community College both use the PEG channel to disseminate local information regarding their entities. Local programs, local events, election information and other services would be lost if the PEG channels were removed.	
Macomb Township	Operator participates in "Comcast Cares" program.	Utica and Chippewa schools operate 2 school channels and Macomb Township has just started a government channel.	
Union City	Unlimited use by youth programs, Union City Chamber of Commerce, Union City Rotary, and at least 6 different churches.		
Fenton		Provides strong educational program/curriculum.	
Saline	Also provides internet service.	Saline school district uses franchise fees to operate the PEG channel and train high school students in television technology and station management.	

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Benefits Provided by Cable Operators	PEG	Uses and Benefits of I-Net
Holland	Allows interconnection with another cable companies serving area townships to provide area-wide public access channels (no cost to the companies, but they did cooperate with the establishment of the interconnect). Joint construction with Holland Board of Public Works on the City-owned fiber optic loop (as part of 2000 franchise renewal).	The City of Holland has utilized its PEG channels since 1976 when City Council meetings were first broadcast. Over the years, they have moved from one channel programmed totally by volunteers, to three channels and the provision of training and assistance to community individuals and groups by professional staff. Programming includes extensive coverage of the City's Tulip Festival, schools and colleges, government, and community organizations. We believe this is a valuable and important means of communicating with constituents, and provides the opportunity for them to be made aware of what's going on in their community.	
Holland (part II)		Uses by: Holland City Council, Holland Planning Commission, Holland Zoning Board of Appeals, Holland City Connection (twice/month show produced by the City), Park Township Board of Trustees, Laketown Township Board of Trustees, Hope College, Holland Public Schools, Black River Schools, Douglas Church, Grace Church of West Ottawa, Calvary Christian Reformed Church, Graafschap Church, Faith Christian Reformed Church, Rose Park Baptist Church, Holland Area Chamber of Commerce, Macatawa Area Coordinating Council, Ottawa County, and numerous individuals producing programs such as: Politically Dutch, Hope and Truth, The Brady Show, Fresh Word, Grace for Living, Restauracian De Ministris, Cooking with J, Bible Study, Flying Dutchman, Precious Testimonies, Open Line, Johnny Van Kareoke, and Big Al Kareoke.	
Clare		Used by: Clare Public Schools, the American Red Cross, Waste Management (for schedule changes and notices), city commission meetings (plus board and committee meeting notices are posted), parks and recreation events, chamber of commerce, and the Police and Fire Departments can post programs and notices for public safety (i.e. street closings and repairs).	

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Benefits Provided by Cable Operators	PEG	Uses and Benefits of I-Net
Harrison		Used by: Harrison community schools, Mid-MI community college, Harrison area library, local government, Harrison Sportsman Club, Chamber of Commerce, and the Senior Center. More will be added as public access is providing cameras and equipment for area people or groups to use for the public access channel programming.	
Albion	Operator supports community activities to a limited extent.	Library operates the public access channel and provides some programming.	
Grove Land Township	Provides scholarship grants to 2 children per year.	We use PEG to constantly advise our citizens of current issues, senior activities, homework help, fire department issues, etc.	
Hillsdale		Used by: Hillsdale County Senior Center, Hillsdale College, Hillsdale Community School District, all City Departments, numerous churches and civic groups.	
Charter Township of Springfield	Provides a \$1000 scholarship each year.		
Lexington Township	Broadcasts community service announcements and health clinic information.	All non-profit local organization receive free advertising.	
Waterford Township		Provides a diversity of programming including some on seniors' exercise, cultural education, and policies affecting the city. Broadcasts programming from Senator Stabenow, the Army, the county Drain Commission, and other important agencies.	Connects 3000 community computers. Depended upon by student information systems and human resources divisions.
Chesterfield Township	Provides video equipment for events, new cameras for board meetings and township events, a local channel studio and public safety notices.	Used by: Chesterfield Township police, fire, parks and recreation, Anchor Bay Foundation, Chesterfield Library, Compasse Pointe Learning Center, Anchor Bay Schools, Immulate ConCeptions, New Baltimore recreation, and 10 local churches.	Available for Chesterfield library.
Pontiac		Help keeps the community informed of ongoing issues. Churches, civic groups, etc. come straight to the local agencies when having problems with the operators and "local control" allows for the best way to deal with immediately putting out the "little fires" they have.	Used by schools and government offices.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Benefits Provided by Cable Operators	PEG	Uses and Benefits of I-Net
Meridian	The cable company makes its studios and equipment available for residents to use to produce programming for Public Access. The company operates the Public Access studios and channels for the community. They provide training for the residents. Also, Comcast has a local origination channel that they produce programs for such things as Michigan State University hockey games and recreational and cultural activities such as the East Lansing Jazz Festival.	Used by: Meridian Township Parks & Recreation Department, Police and Fire Departments, Community Planning and Development Departments, Public Works and Engineering, Meridian Historical Village, Nokomis Learning Center, Harris Nature Center, Capital Area District Libraries, Potters Park Zoo, Meridian Senior Center, local churches, political candidates and leaders, local businesses, East Lansing Public Schools, Haslett Public Schools, Okemos Public Schools, etc. These organization use Public, Educational and Government access to promote events, show school plays, musicals, concerts and sporting events, express their views, inform the public, and entertain.	Meridian Charter Township does not have a "I-NET" that is in use. Currently, there is co-ax cable between schools in Meridian Township, however there is not a community need at this time for it's use. The franchise agreement preserves this infrastructure and will connect schools at their request, so that when the need arises there is the something in place. The franchise agreement also allows for an interconnection of the Meridian Government Channel with East Lansing and Lansing Government, potentially for the exchange of video and/or data between the municipalities. We find this to be a critical piece in the franchise agreement, that facilitates the exchange of information, ideas, data, and media. It leads to and promotes inter-governmental cooperation.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Benefits Provided by Cable Operators	PEG	Uses and Benefits of I-Net
Meridian (part II)		<ul style="list-style-type: none"> • Police and Fire Departments use the channels to educate the community on safety tips, current trends, and to inform the viewer on what is going on in the community. • Parks and Recreation Departments use the channels to educate viewers about recreation and enrichment programs that are offered, promote youth programs and initiatives, and park use. • Okemos, Halsett, and East Lansing School Districts use the channels to show sporting events, plays, musicals, and concerts not available anywhere else. Also, students learn how to produce programs that are shown on these channels. • Local, regional and state politicians have participated in the government channel's election coverage to out-reach and educate the public about themselves and their views. 	
Detroit (I)	Comcast Cablevision has donated \$3,000 towards the purchase of GED workbooks and they have opened up their premium channels during the City of Detroit's Annual Anti-Arson Campaign, which is known as the 'Angels Night' campaign.	Provides many programs on a wide variety of topics for residents to enjoy. Has established a relationship with local networks that allows the city to obtain their programming for airing on PEG channels such as the mayor's State of the City, mayoral debates, the City of Detroit Inaugural, Home Coming for Rosa Parks, and the State of the State address.	

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Benefits Provided by Cable Operators	PEG	Uses and Benefits of I-Net
Detroit (II)		<p>Used for:</p> <ul style="list-style-type: none"> A. NAACP Events and Freedom Weekend B. SCLC Annual Dinner C. Detroit Urban League Annual Dinner and Events D. Booker T Washington Dinner and Forum E. ACCESS Dinner F. Latino Cultural Foundation G. Ser Metro for Jobs H. Police Athletic League I. Lewis Business College J. Payne- Pulliam College K. Motown Historical Museum L. March Dimes M. YMCA Minority Achievers N. Hamtramck Chambers of Commerce O. Comcast Cares Day P. Detroit Public Schools Q. Adams Butzel Baseball League R. DABO Dinner S. Leaders and Achievers Dinner/Lunch T. Black United Fund Banquet U. Museum of African American History V. University Detroit Mercy W. Marygrove College X. United Negro College Fund Y. Boy Scouts 	

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Benefits Provided by Cable Operators	PEG	Uses and Benefits of I-Net
Richmond		PEG recently raised money for the community choir and theatre, both of which are non-profit groups.	
Milford		Used by: Huron Valley Schools, village government, League of Women Voters, local churches. The PEG system allows us to educate and inform the public about important community issues.	
Plymouth Township	Operator employees perform community service work.	Used by Plymouth community schools and student TV. All churches and several other groups run notices.	
Midland		Midland Community Television has seen over 17,000 programs submitted in the past 21 years featuring all forms of access television. It has served the City of Midland, County of Midland, Midland Public Schools, Northwood University, many churches, United Way agencies, Northwood University, Midland Center for the Arts, veterans organizations, Michigan Medical Center, and the League of Women Voters, among many others. It has given these organizations the opportunity to directly communicate to the community without the filters of the commercial media. Thousands more message board messages have been submitted by these groups and others.	
Howell	Operator helps with support of local festivals, "Comcast Cares", beautifying communities.	Used by: Howell schools, City of Howell, local churches, library, Recycle Livingston, the recreation center.	Allows citizens' communications and electronic communications between government facilities.
St. Joseph		There are no current users of PEG, but the public schools hopes to begin using it in the next few years. However, their use will be driven by the budget. Without the \$40,000 grant by the operator for the initial fiber connection and PEG equipment, this would not be possible at all.	
White Lake Township	Provides PEG programs and a government access channel.		

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Benefits Provided by Cable Operators	PEG	Uses and Benefits of I-Net
Grand Rapids (I)		<p>Our public access operations (2 channels) are an international model for community media. Former director Dirk Koning has consulted with world leaders in Ireland, South Africa, the Netherlands, Slovenia, and Korea, to name a few. They all point to the example of Grand Rapids as the ideal in application and institution. The membership of users is extensive and represents the broad spectrum of community that is Grand Rapids. Most importantly, however, is the success of our public access center as a technology education center. The Center has trained thousands of public and private school students on the use of media equipment; equipment that most schools find it difficult to purchase, maintain and keep up to date given the ever changing technology market.</p>	<p>Until a few years ago, the City of Grand Rapids operated all traffic signals in the city using cable company wires. Currently, the City uses an institutional video network to create closed circuit television training for the 11 remote fire stations located throughout the 35 sq. mile city limits. This saves the City a considerable amount of money by requiring instructors to make a single visit to perform training. The closed circuit training channel also offers video on demand to these building using a system purchased for the City by the Federal Emergency Management Act (FEMA).</p>
Grand Rapids (II)		<p>Our Educational Access operations (2 channels, one for k-12 and the other for Higher- College- education) program classroom material constantly so that learning is an opportunity 24 hours a day. Both channels are available to all accredited educational institutions. A significant number of students advance their educational opportunities and earn college degrees by watching tele-courses on the Higher Ed cable channel.</p> <p>Our governmental access operation offers accurate and timely local, state and federal government information. The City government performed a public survey in 1988, after the program aired its first City Commission meeting on the channel. This survey found that 1 out of 5 cable subscriber had seen a City Commission meeting on the system.</p>	

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Benefits Provided by Cable Operators s	PEG	Uses and Benefits of I-Net
Warren		Residents enjoy local coverage of community events, high school sports and dances, news programs, community bulletins, and sports call-ins. Schools receive local programming capability, school board coverage, and character generators are granted to all five Warren school districts (free cable service to local schools).	Used in fire and police buildings, library, municipal buildings.
Canton	Operators occasionally sponsors community celebrations and events.	Covers Board of Trustee and Planning Commission meetings. News and talk shows cover local) issues. Programs showcase info on local non-profits, churches and community groups.	
Southfield	Comcast maintains 3 offices in Southfield and employs hundreds of people who pay taxes and frequent Southfield businesses. They also have representatives on school, city and community boards and commissions. Once a year the company sponsors a "Comcast Cares" day where hundreds of employees turn out to volunteer their time to clean up a facility, park, etc.	Run live candidate forums wherein numerous people call in from home to ask the candidates questions. IN an October 2005 forum, there were more questions called in than were asked by the people actually in attendance. Also televise live election returns. Have had constituents get out of bed to come and debate community issues (See attachment D). Some time ago the local high school library burned down and the community used the PEG to host fundraiser to rebuild it.	Provides connection for local access channels to get to the operator Head -End. In 2003, 18 city buildings were connected, allowing the city to substantially save on phone and internet service.
Livonia	Operator provides numerous programs/grants to the community, including bike helmet giveaways, sponsoring American Cancer relay for Life and The Great Race, giving \$30,000 for the Christmas Lighting Ceremony, donating to a veteran's memorial, sponsoring high school all night party, etc.	First introduced and justified the geographical restructuring of the Livonia Public Schools to parents and taxpayers. Cablecasts local events such as Youth Hockey League games and the Livonia Symphony Orchestra> Annually cablecasts the mayor's State of the City address and provides a monthly primetime show focusing on senior citizen issues.	
Bloomfield		The city enlists 10 regular volunteers to produce 450 local community programs covering a wide range of topics (see database attached as Exhibit A).	Fire department uses daily for training purposes at all stations.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Benefits Provided by Cable Operators	PEG	Uses and Benefits of I-Net
Birmingham Area Cable Board (I)	Comcast is very active in the community providing sponsorship to many local events and fundraisers. They also operate a very active scholarship program for local high school youth. Their efforts to produce and provide local programming, particularly sports and local information, are appreciated. Examples include Comcast Local and Comcast Spotlight.	The BACB contracts with award-winning Bloomfield Community Television (BCTV) for programming on its Government Channel 15 and Community Channel 18. BCTV produces approximately 500 programs a year. Many of the programs are in a series format and produced in the studio by local residents, while others document events taking place in and around the community. Here is a sampling of programming on channel's 18 and 15:	The I-NET is an institutional network that franchising has paid for. Schools use the I-NET within the district to transmit video to and from each other for instructional applications. It is also used to distribute content from a central location. Franchising further facilitates Distance Education applications (via the I-NET students can participate in electronic field trips to locations that they otherwise would be unable to visit).
Birmingham Area Cable Board (II)	Cable franchises provide for public, educational and governmental access, which provides important information to residents including school news, public safety information, and participation in city council meetings and MGTV (Michigan Government TV). Cable franchises support the public infrastructure and provide cities and townships with just compensation for use of public rights-of-way. Michigan alone could lose \$100 million in local government revenues. These revenues are spent on right-of-ways, local public access channels, public education, and public safety. With local governments struggling to make ends meet, any revenue cut would be painful.	Uses Channel 15 (Community Programming): Art & Design, Birmingham-Bloomfield Symphony Orchestra, Birmingham Historical Society, Birmingham Musicale, Birmingham Republican Women's Club (Hurricane Katrina and Social Security Programs), Calvary Chapel Programs: Center for New Thinking – Latin America, Community Bulletin Board, Consumer's Corner – Mentoring Our Youth, Influential Women - Business Breakfast Series, Everyday People – Dispelling Myths of the Uninsured, Lang Lang! - Pianist, League of Women Voters - Children at Risk, Senior Women's Club – Living the Moment, The Job Show - Michigan Employment Relations Commission, Washington Report - Debbie Stabenow's Washington Report, Women Officials' Network - Crossroads for Youth, Words of Peace - Your True Potential...	Used by: City Hall, Public Safety, Chesterfield Fire Station, Adams Fire Station, Baldwin Public Library, Department of Public Service, Ice Arena, Lincoln Hills Golf Course and the Springdale Golf Course. The benefit of having the above entities connected to the I-Net is that they can communicate with each other and streamline the communication of information between the various departments of the City.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Benefits Provided by Cable Operators	PEG	Uses and Benefits of I-Net
Birmingham Area Cable Board (III)	Cable franchises enable customers to quickly and completely resolve service issues at the local level, instead of seeking relief from Federal or Statewide agencies. Local governments are not an impediment to new entrants. Cities and townships promptly grant additional franchises. Existing franchise agreements can be very quickly amended to simply add any qualified newcomer. The fact is, however, the Telcos have not bothered to ask.	Eye on Oakland (County Commissioner Chuck Moss), Rouge River Watershed – documentary series, Summer in the City (Birmingham), Concerts in the Park (Birmingham), Talk of the Town by Birmingham producer Jim Lane, Birmingham Bloomfield Arts Council -- Cultural Arts Award, Franklin Village Parade, Interfaith Odyssey - Metropolitan Detroit Christian Council Birmingham Youth Assistance, Today's Children: Over Protected and Over Managed.	
Birmingham Area Cable Board (IV)	A regulatory shift to the state or federal level would result in a counter-intuitive "one size fits all" approach to video provisioning. Clearly, each municipality in America is geographically and demographically unique. The best approach is to recognize the jurisdiction of the local franchising authority (LFA). From emergency alert systems to specific infrastructures and from individual community voices to vital municipal messaging – the LFA represents a proven track record of successes in administering franchises, and LFA's welcome a "fast-track" approach to signing-up new competitors.	Channel 15: (government access channel) municipal meetings are cablecast. Eighty-four meetings were cablecast last year (2005), including: -City of Birmingham City Council -Village of Beverly Hills Council Meeting -Village of Franklin Council Meeting -City of Birmingham Planning Commission Meeting -League of Women Voters – Franklin Village Council -League of Women Voters – Beverly Hills Village Council -Beverly Hills Joint Council/Parks & Recreation Meeting -SOCCRA meeting (County Recycling) Programming runs 24 hrs/day, 7 days a week. An informational bulletin board is run between programs. The bulletin board contains information ranging from civic group meeting announcements, to public safety to every "who, what, when, where and why" as it pertains to community activities and vital municipal needs.	
Coldwater			I-NET has allowed the city to link all of their schools and the library together to share various databases.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Customer Service	Universal Service
Hudsonville	A number of top executives have called regarding problems.	
Center Line		Televising of City Council meetings are a benefit to subscribers as well as their ability to view our state legislature in session.
Bangor	The city fields questions about local outages and improper billing and is able to provide customers some confidence that they are being heard.	
Reese		Of particular use to the elderly and sick who spend a significant portion of their day watching television.
Norton Shores	In one instance, a gentleman using high speed internet service was not getting the speed he required. After numerous telephone calls and technicians trying to find the problem, he still was not satisfied. City administration got involved and soon this citizen was getting the actual attention he deserved. He was given an employee's cell phone number for when a problem occurred and was also refunded money. He is now happy, but probably wouldn't be without the City getting involved.	This service is invaluable in the case of an emergency. Central dispatch can issue information to all local subscribers in the case of an emergency.
Macomb Township	Customer complaints are handled within a three day window 90% of the time. Restorations of service and credits are issued when necessary.	Many areas of the Township still do not meet density requirements. Service is barely keeping up with growth.
Union City	Forward customer complaints to the company.	
Fenton	The Hot Grams program ensures all complaints are filed and faxed to cable provider and has proven very successful	The only competitor so far is the Dish, leaving citizens with very little choice.
Saline	The city has helped users obtain cable TV service when they were denied by the cable company and resolved service complaints.	All areas of the city are served.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Customer Service	Universal Service
Holland	<p>Recently received a complaint from a customer who moved into a new home and wanted her cable service started. First, she was told that the technician would arrive sometime between 8 a.m. and 5 p.m., so she took the entire day off from work. The next day, she reported to me that the technician never arrived until 7 p.m. The city complained to the cable company that this was an unreasonable response and that the customer should not have had to be at home for an entire day when a 1/2 day window would have been more than sufficient, and that she should have been contacted if they were going to be that late. As a result, she received an apology and credit on her next bill.</p>	<p>The city has not yet been required to deal with the effects of having some alternative cable service made available to only certain segments of the community, however, they have dealt with some preliminary inquiries relating services to specific residential housing developments and/or to the private college located within its boundaries. People are very quick to evaluate what they see as being superior service made available to someone else, but not to them, and they would likely receive numerous complaints if such service differentiation were to occur. The city could say that they have no control over such matters, but residents expect a better answer than that from their local government.</p>
Holland (part II)	<p>Because the cable operator uses a central call center located in another state, the city occasionally receives calls as a result of the people who answer the phones not having enough specific knowledge about what's going on in the community (rates, services, outages, etc.) or sometimes being not as responsive as they should be. Residents also complain about being told to call different phone numbers. It is important to bring these concerns to the attention of the cable provider and to follow up to ensure that they are providing a responsible level of customer service.</p>	
Holland Part (III)	<p>Local customers are not going to call the federal government or the FCC with their problems. They are still going to want to call someone locally, where they can speak to a real person who is familiar with the community, and they are not going to be at all happy when they are told "sorry . . . there's nothing I can do. . . call your Congressman, or the FCC".</p>	
Ionia		<p>Schools receive free service and use it to keep students up to date on world events.</p>

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Customer Service	Universal Service
Brown City		Primary local source for government related information and police alerts.
Allegan		Allows individuals to be informed on community issues.
Hartford		Educational channel provides programming and th governmental channel provides governmental and other local activities and programming.
Harrison	There was poor reception during rainstorms throughout the entire city as service was via microwave. After discussions with area manager of cable company, fiber optic was installed along a new main transmission line.	Senior citizen events are posted on the public access channel, changes in trash days are posted on the governmental channel and notification of hazardous weather is provided in emergencies.
Albion	The city responds to citizen complaints of poor service, billing, and hookup problems. By interceding on behalf of the citizens they are able to resolve most problems.	Cable services would likely not be provided in some low density "fringe" areas were universal service not required.
Grove Land Township	Worked with operator when it took over to deal with previous poor service and now there are many fewer complaints.	The phone company does not provide DSL and, were it not for cable, the residents of this rural community would have no alternative.
Oakfield Township	Have dealt with several issues involving service, the line, and availability.	Allows for in-home businesses.
St. Louis	Complaints are handled through a cable consortium.	
Lexington Township		Used by churches, fraternal organizations, schools, and not for profit advertising.
Waterford Township	Has received over 1000 calls from subscribers regarding unresolved problems with the operators over the past 8 years franchise has been in place and has successfully resolved these issues 90% of the time.	
Chesterfield Township	Customer complaints that are not successfully handled by the cable company are referred to the Township supervisor's office and are then handled according to the franchise agreement.	Emergency warning systems are broadcast, cable public channel advertises all parks and recreation events, all Township board meetings, all water notices, emergency alerts, and school events.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Customer Service	Universal Service
Pontiac	The operator has dug up yards and not run cable. Cable lines have been left hanging over places where children play and could get hurt. Home computers have been destroyed as a result of improper cable installation. Customers have been charged for movies not ordered and complained of outages of over 24 hours. At one point the system was not built correctly and needed to be repaired. The City Cable advisor assisted in the correction of all these issues. A remote entity trying to address these concerns would fail.	Not having cable access for everyone in community would disconnect them from the world.
Meridian	The Cable Department takes complaints on rates, channels, technical quality, installation service, and customer service for cable service and cable modem service. The Township successfully completed a technical audit of the cable system where it was found that the cable company had some significant infrastructure electrical safety problems. The cable company complied with the Franchise Agreement and resolved the problems and reported back to the Cable Communications Commission that the situation was remedied.	Meridian Township is home to a nationally award winning, government access television channel, HOM-TV. Ever since the first television cablecast of Township government meetings in 1980, Meridian residents have relied on its government access channel for current information on public affairs. According to a telephone survey conducted in 2000, approximately 60% of cable subscribers have viewed township meetings and 80% value the broadcast made available. Their twenty-five year, award winning, cablecasting history has made televised meetings a mainstay in the community.
Meridian (part II)		The government access channel also provides in-depth election coverage, exclusively available on the channel for the local community. Residents tune in to learn about the candidates, views, issues, and proposals that are of importance to Meridian Township and the surrounding region. This results in an informed and well educated voting public. It is important that citizens have a voice in their community, and have access to equipment to produce their message. East Lansing hosts one of the first public access channels in the nation, WELM. Public Access has been cablecasting programs since the 1970's, giving residents a voice. It is a non-biased way to let your voice be heard, promote an event, or just share views. It's a media soap box that doesn't discriminate.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Customer Service	Universal Service
Flushing	The community is able to promptly respond to complaints of cables needing to be buried, control boxes requiring repair/replacement, and properties to be mended as a result of cable being installed.	
Detroit	The customer service staff provides assistance to both residential and business subscribers of cable services in Detroit who have unresolved issues or concerns. The staff also conducts on-site visits and mediations between the subscriber and the service operator to help create solutions.	Not discriminatory in practice – all groups have access to and the ability to participate in the information age. Seniors, low, middle and high income earners have access to the same technology.
Milford		An informational meeting regarding a local road millage was taped and aired in several different time slots so that residents could be informed on the issue. Allows family members of school children to see them shine at sporting events, concerts, graduation, etc., even if they cannot attend the actual events. Seniors and members who might have difficulty attending meetings and events can still stay informed about important issues in their community.
Plymouth Township	Community deals with billing, system outage, and low voltage issues that have gone unresolved until there is local intervention.	Has a built out community where cable is available to all homes.
Grand Haven		Weather info, local school and government info, and emergency notifications are all broadcast.
South Lyon	There has long been a relationship between the operator and the administration. Because of this the administration is able to apply pressure on the company to fix problems, as well as establish a rapport with the that leads to friendly dealings.	Operator provides analog, hi-def and digital video and broadband high speed internet connections at various levels.
Howell	The locality has a good relationship with their cable provider representative and area service group.	Provides government access and public education channels.
Wyoming		The ability to broadcast City Council and Planning Commission meetings, and other specific events, allows those in our community that are not able to attend such functions to still enjoy them. Senior programming is also very beneficial.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Customer Service	Universal Service
White Lake Township	There is good contact between the operator and the local government.	
Grand Rapids	The Office of Cable Television Administration is the first point of contact for cable subscribers who are not happy with the complaint resolution of the local cable operator. The Cable Television Administration works as an Ombudsman with both parties to resolve complaints or stress situations. Often, the cable company is thankful for this involvement because it will expose points of weakness in their customer service operations. Without the ability to intervene in subscriber relations with the authority of contractual compliance, customers would not receive the prompt attention necessary.	Universal service was a requirement when the cable system was first built in the mid 1970's and is still addressed in the current agreement.
Warren	Residents often requests local franchise authority involvement in their cable disputes. This community has intervened in conflicts involving billing, entry upon private property, right of way construction, customer service quality, and even programming. Operators are responsive and matters are usually resolved promptly when the franchising authority is involved.	Residents in an older section of the community were able to have cable under the new franchise and franchise renewal.
Canton	The city's engineering department deals with problems involving cable not being adequately buried in residential neighborhoods.	Twenty homes per linear mile are served. In less dense areas there is a cost sharing requirement of the cable companies and residents.
Southfield	When residents need assistance reaching the operator, they appreciate help from their local community. Often, senior citizens call for help with billing questions or service issues. The local government worked with the operator staff to develop an implement a Customer Advocate program to work for customer-friendly policies and resolutions.	Cable operator wired all homes and apartments in the early 80's. Many senior citizen's buildings were offered special rates at that time and now cable service is delivered to all senior residents.
Romulus		Community bulletin board is used by non-profits and churches, as well as to announce the reason why municipality flags are at half staff (for instance, MI soldiers killed in action).

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Customer Service	Universal Service
Livonia	The city assisted 95 residents in 2005 to resolve service issues. These issues ranged from cables lying on the ground months after "installation" or repair to seniors frustrated with the workings of a new phone system.	
Bloomfield	Last year 130 complaints were resolved through the efforts of the local franchise authority. (See Exhibit B)	Even wealthy communities may suffer if a cable provider is not required to serve all residents because the wealthy are often older and the elderly are not preferred cable customers because they usually don't spend as much money on it.
Coldwater		Before the municipal system was built the incumbent provider didn't have services available to the business district. Now the business community has a choice of two providers. A number of small businesses (insurance offices and a car parts provider) have stated that they wouldn't be in business any longer if they could not get inexpensive high speed internet access as their home offices have demanded it.
Mackinaw City		This prevents the cable company from strictly choosing who to serve based on financial gain to the company. All customers in the community have the potential to purchase the service.
Village of Lexington		Allows for use by churches, fraternal organizations, schools, and not for profit groups
Gaylord		CATV currently services all areas of the city. Services have even been installed in a new industrial park.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Customer Service	Universal Service
Birmingham Area Cable Board (I)	<p>Example #1: A subscriber came home to discover his yard had been dug up and pools of a petroleum product were left behind on the lawn. He achieved no satisfaction when he contacted the operator. There was much finger-pointing, involving issues around "Miss-Dig" and which subcontractor might be responsible. The resident then contacted the BACB and within hours a liaison for the operator was on her cell phone in contact with her technicians. The lawn was repaired and the oil removed.</p> <p>Example #2: There are numerous condominium and apartment associations in the area. In one case, operator subcontractors left orange extension wiring and cabling strewn over tenant's gardens and walkways. This occurred enough times that the BACB pushed for a permanent solution—the operator now assigns a specific lead technician to that complex, and complaints are handled directly through the complexes' main office. Without the authority vested through the franchise agreement, these problems might still exist.</p>	The value in every member of the community receiving cable service is best understood the moment you place yourself on a neighborhood block where the service doesn't reach. At that point, the city is no longer serving the community, but instead, serving selected demographics within the community. There can be only greater problems when "100% service to everyone" is ignored. Technology should never yield to economic discrimination. Picture a senior apartment complex "passed over" because seniors may not be "high-value" customers. This should not be permitted.
Birmingham Area Cable Board (II)	The BACB received a total of 133 complaints during 2005. Roughly half involved direct action by the BACB of some kind as described above. Providing local representation for subscriber complaints creates a vital resource for subscribers when they are seeking immediate help.	
Montrose	Put into place a "Hot Gram" program that allows direct access to local management rather than calling a toll free line to get assistance.	

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Public Safety	Modem
Hudsonville	Has ability to show public safety messages on WCET.	
Plainfield Charter Township	When the city had a major sewer lift station fail and wastewater overflowing to the Grand River, they called the operator and had them broadcast an emergency sewer use message to lessen the damage to the environment.	
Reed City	Public Safety alerts are displayed on the PEG channels and Emergency Management messages are displayed as a crawler on selected channels.	Access to broadband Internet has benefited the residents, businesses and governments of located in the city.
Reese		The local government is currently uses the provided internet/modem in their offices.
Norton Shores	In May of 1998 when windstorms hit West Michigan, cable subscribers were able to get information in a timely manner.	
Macomb Township	Provides info for school closings, water main breaks and road closures.	
Union City	Provides the ability to broadcast public notices in a timely manner.	
Saline		Internet used by the schools and police.
Holland	The PEG Channels are regularly used to cover public safety events and activities such as Fire Prevention Week. The Police and Fire Departments, as well as the County Emergency Services, have access to the Emergency Warning System.	Cable modem service was likely the first alternative to dial-up available throughout the community. Subscribers also have access to DSL service, but that was not (and perhaps still is not) available on a community-wide basis.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Public Safety	Modem
Ionia	The cable service is very useful for keeping residents up to date on inclement weather conditions.	
Brown City	PEG used to notify the public about potential scams such as "phishing" and alert them as to changes in local laws and ordinances.	
Hartford	Is a medium of providing public safety information to all residents.	Faster internet/modem capability attracts more businesses into the community.
Harrison	A system has been built for emergency notification to the community.	
Albion	Provides a way to get emergency messages out to the public.	
Grove Land Township	The municipality uses PEG to meet Federal Storm Water Phase II requirements with educational videos.	The phone company does not provide DSL in this rural community and, were it not for cable, the residents would have no alternative.
Hillsdale	Communication regarding snow emergencies, parking ordinances, street repair schedules and other similar announcements are broadcast via the PEG channel.	
Algonac	Residents have been advised about water restrictions or loss of pressure due to chemical spills or main line breaks.	
Chesterfield Township	Public safety notifications warnings have included water boil alerts, inclement weather alerts, water shut off, and fire safety and police events.	Allows for code enforcement, fire and police internet access and web pages, access by the Chesterfield library and the Anchor Bay Schools.
Pontiac	May be used to provide up to the minute safety issues.	

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Public Safety	Modem
Meridian	During a recent Township election, a proposed millage renewal for Public Safety was on the ballot. The residents were able to tune into the government channel to learn about the millage and were thereby informed voters at the polls. The millage passed by an overwhelming three quarters vote.	
Houghton		The city's internet service is provided through local cable operator.
Laingsburg		Allows the city to offer wireless internet service for free from the public library.
Detroit (I)	<p>The government access channel offers the residents of Detroit programs that have assisted with providing information on public safety. Some of those programs are:</p> <ol style="list-style-type: none"> 1. The Board of Police Commissioners meetings, which inform the residents of Detroit about the re-structuring of the Police and Fire departments. 2. City Council Community Meetings, that inform and address issues that impact the Citizens of Detroit. 3. The Mayor's Community Meetings are also address pressing issues that impact the City of Detroit. 	<p>The local operator's website contains a full page of information on security and security resources.</p> <ul style="list-style-type: none"> • It provides various McAfee protections for your computer with products such as: McAfee Virus Scan, McAfee Personal Firewall Plus, and McAfee Privacy service (parental controls to filter out inappropriate content and also monitors Internet activity to help prevent identity theft).

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Public Safety	Modem
Detroit(II)		<ul style="list-style-type: none"> • Also, it lists security alerts, news, and tips, safety resources for parents in keeping their children and teens safe while online, safety resources and tips for children, detailed information regarding phishing e-mail scams. The site also has current and recent virus threats, virus removal tools and the ability to perform 'virus' searches. • The operator hosts an online community security watch forum where residents can learn more about the latest spy ware, scams and security alerts.
Detroit(III)	The operator participates in the City of Detroit's annual 'Angel's Night' patrols, which is a program to keep the city safe by preventing arson on the night before Halloween. The operator partners with the city on their "eyes and ears" program by having technicians report any unusual activity in vacant or abandon buildings, and in the neighborhoods.	
Richmond	Current public safety issues are listed daily on PEG community bulletin board.	
Buchanan	Provides the ability to alert public to potential safety issues via public access channel.	
Milford	Used to advertise health screenings and various workshops. Provides programs about water and air quality.	
Hazel Park	Allows police, fire and other emergencies to be broadcast.	

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Public Safety	Modem
Midland	The government channel is used for emergency communications (storm warnings, floods, chemical releases, etc). The school channel is also used for emergency communications (school closings, etc).	
Grand Haven	Provides public safety education on emergency preparedness.	
South Lyon	School and police announcements are broadcast on PEG.	
Howell	Public access channel used for snow emergency and heat advisory warnings.	The city government uses cable for wide area network connectivity.
St. Joseph		Because the deployment of DSL service through Ameritech halted for 2 years, with the majority of the city's population going unserved, cable modems have been the only connection (landline) option available to residents for high speed service.
Birmingham	Aside from providing public safety programming to educate parents and children on safety related topics, the cable system allows for emergency broadcasting as a means of directly notifying residents of emergencies.	
Wyoming	Produces "Focus on Wyoming" on WKTV that covers various topics of public safety.	
Grand Rapids	Provides public safety training via closed circuit TV. The government access channel is perhaps the only immediate access to a public information conduit available to local emergency managers. The public and government access channel do a significant amount of work with the fire and police departments.	

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Public Safety	Modem
Warren	Fire and public safety training videos are broadcast among facilities. Water main and snow emergency notifications are broadcast to residents.	
Canton	Broadcasts a public safety news show that is an important public safety communication tool. The local emergency warning system has also been useful.	
Southfield	Produces a monthly show ("Safe and Secure") highlighting police, fire & emergency management. The Emergency Management Director run regular tests of the Emergency Broadcast System. Also allows the city to run updates on road construction projects, snow removal, emergency information, and city policies that residents depend upon.	
Romulus	A solvent recovery plant exploded and a good portion of the city needed to be evacuated. The city was able to provide information throughout the disaster and cover the department of environmental quality press conference afterwards.	
Bloomfield	The local channel is used to notify residents when cars must be removed from the streets during a snow emergency. Public access channel provides educational programs concerning such things as home security check performed by the local police, proper installation of infant car seats, proper installation of smoke and carbon monoxide detectors, and precautions to be taken during emergency situations. Also provides programs on the city's emergency response plans and personal steps that can be taken to prevent fires, identity theft and mugging.	

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Public Safety	Modem
Coldwater	I-NET has allowed the city to provide remote video arraignment between the sheriff's offices and the courthouse which improves public safety by eliminating the need to transfer prisoners.	The majority of doctors have modems which allow them to interact with local hospitals via high speed.
Village of Lexington	Provides notification of school closings and cancellations and closing of businesses. Allows alerts regarding weather problems.	
Kent	PEG channel has been used to notify residents when streets have been closed.	Websites like WZZM and Kent Access give the public information about their community.
Birmingham Area Cable Board	Aside from allowing for public safety programming to educate parents and children on safety related topics, the cable system allows for emergency broadcasting access by our City over the cable system as a means of directly notifying residents of local emergencies.	
Montrose	Broadcast notices to citizens when they are required to boil their water.	Provides faster service for surfing the net or email for the community.
Vassar	Has been very useful during flood emergencies.	

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	How are Revenues Spent?	Local Benefits of Revenue	Loss of Franchise Effect on General Fund?
Hudsonville	25% of franchise revenues go to general revenue fund.	Franchise fee funds local WCET Cable Television which is shared with 3 other communities.	Would lose approximately \$25,000/year.
Tecumseh			Would result in layoffs and a reduction in service.
Plainfield Charter Township	Goes to general revenue fund.	Public Safety, Senior Citizens programs, libraries, limited road maintenance, parks.	Would have a huge effect. The community collects over \$300,000 a year that pays for public safety, community development, senior citizens programs, libraries, and etc.
Reed City	Goes to general revenue fund.	Supports Police and Fire Services.	Would be forced to cut back on the essential services now provided.
Howard City	Goes to general revenue fund.	This income directly supports the police and fire services and road repairs throughout the municipal services department.	
Center Line	Goes to support of PEG: purchase of new recording equipment, cameras and other equipment.		Would lose approximately \$40,000 yearly.
Bangor	Goes to work along rights-of-way and municipal streets.	Allows the community to restore inadequate work performed along public rights-of-way when contractors for operators do a poor job. Also goes towards maintenance of good customer/resident satisfaction.	Would lose approximately \$12,000 a year, which would then need to be made up by local taxpayers.
Clio	Goes to general revenue fund.		Fees are approximately 50% of a city millage. A loss would create a hardship in the general fund with a most likely result of a decrease in the police budget.
Hastings	Provides for PEG equipment and staffing, as well as providing for the general fund.		Would be forced to reduce PEG programming and activities, right-of-way maintenance related to operator service, and other general fund services.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	How are Revenues Spent?	Local Benefits of Revenue	Loss of Franchise Effect on General Fund?
Grand Blanc	For cable related matters and general funding of police and fire.		
Norton Shores	Goes to general revenue fund.	Revenue provides police and fire services and also funds for the local branch library.	Would likely require the community to lay off employees and reduce services provided to constituents.
Macomb Township	A portion of funds is used to support a government access channel operation.	Allows for broadcasting of township meetings and high school sports.	It would severely hinder the government access channel operation and would require cuts in general township services.
Union City	Goes to general revenue fund.	Funds police, fire and road repair.	Would lose 25% of general revenue fund, affecting the communities ability to provide police protection.
Fenton	Funds maintenance of major and local streets, as well as building of new roads.		Franchise fees increase the general revenue fund amount allotted to major and local streets and its elimination would have a substantial impact.
Saline	98% goes toward operation of PEG channels, while 2% goes towards franchise administration.	Franchise fees are also used for carrying local government meetings and community events on TV.	Would force the community to terminate their contract with the local school district that allows high school students to operate an educational/community access channel.
Holland	Support for public access channels and operational/administration costs for CATV Advisory Commission and other oversight expenses.	The City of Holland contracts with the Macatawa Area Community Media Center to provide the day-to-day operation and administration of the three (3) public access channels. This includes programming, training, oversight of studio and volunteers, maintenance of equipment, and all things necessary to enable local residents to provide programming on the PEG Channels. The current contract is \$180,000 annually.	The loss of franchise fees would directly impact the ability to program three (3) public access channels (public, education and government).

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	How are Revenues Spent?	Local Benefits of Revenue	Loss of Franchise Effect on General Fund?
Ionia	Deposited into the general revenue fund and is used for right-of-way maintenance.		Right-of-way expenses would have to be paid exclusively from resident tax dollars.
East Grand Rapids	Goes to general revenue fund.		Would result in a loss to police, fire, parks & recreation, etc.
Brown City	Limited to purchase and maintenance of equipment needed to broadcast channel 6.		Probably lose ability to provide information to the community through channel 6.
Allégan	Supports right-of-way protection and maintenance through the general revenue fund.		Would not be able to protect the community's rights-of-way.
Hartford	Goes towards rights-of-way improvements.		Would have a severe negative impact on such a small community.
Dundee Township	Franchise fees are used solely for right-of-way related purposes.		The community is already experiencing revenue losses due to revenue sharing and this would result in even more funds being cut.
Eastpointe	Goes to general revenue fund.		Would result in a loss of \$250,000 per year.
Clare	Of the 5% of franchise fees collected, 3% go towards funding the municipal government, while 2% fund the PEG.		Would be unable to provide government access channel to the public.
Harrison	Of the 5% of franchise fees collected, 3% go towards funding the municipal government, while 2% fund the PEG.	Pays for operation of government and public access channel.	Would cause a 1/4 millage increase in taxes to cover revenue lost and would most likely result in a loss of the ability to operate the government and public access channels.
Albion	Support of public access and government channel. Also System maintenance and general revenue fund services.	Supports the government access channel which provides live broadcasts of city council meetings and general fund activities in the community.	Probably would jeopardize government access and public access channels. Also would cause a reduction in general fund activities for the public.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	How are Revenues Spent?	Local Benefits of Revenue	Loss of Franchise Effect on General Fund?
Grove Land Township	Used to run government channel and update program equipment.		Would be forced to close down government channel completely and would lose \$25,000 from the general revenue fund, likely resulting in a reduction in of road maintenance.
Rose City	Funds city improvements.		Would result in a setback to the city improvements being performed.
Oakfield Township	Goes to general revenue fund.	Funds road improvements and a Township Park.	The community is already experiencing revenue losses due to revenue sharing and this would cause a greater reduction in funds available for general purposes.
Hillsdale	20% of fees are paid to Hillsdale Community Schools for maintenance of PEG channel; 80% of fees are included in the general fund.	Allows for continued operation of the PEG channel and multiple services paid for from general fund.	Franchise fees represent approximately 1.2% of the general revenue fund budget.
Charter Township of Springfield	Fees support the local channel by providing for operation, equipment & programs.	Funds have also have helped to fund fire equipment, a new Township Library, etc.	Could not support or operate the local information channel, resulting in a reduction in communication with residents.
Village of Dimondale	Goes to general revenue fund.		The general fund would lose about \$6,000 per year.
St. Louis	Of the 5% of franchise fees collected, 3% go to municipal government and 2% fund PEG access		
Village of Bur Oak	Goes to general revenue fund.		Would be another loss of income in a small community where funding is already being cut and would be a great harm.
Lexington Township	Goes toward maintaining public access channel and a contingency amount reserved for legal advice in case of franchise negotiations.	Programming for public access channel.	Would be forced to disband the community access channel.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	How are Revenues Spent?	Local Benefits of Revenue	Loss of Franchise Effect on General Fund?
Waterford Township	20% goes toward a Cable Commission (that funds PEG) and 80% to general revenue fund.	The franchise fees make up approximately 2.4% of the city's general revenue fund.	If franchise fees were lost the township would be forced to reduce grants to senior programs and youth recreation programs, recycling, cultural and leisure services, and school fire education.
Chesterfield Township	Pays costs of local regulations. Support development of public access channel where council deems necessary.		It would reduce the general revenue fund budget by \$400,000 and have a great effect on the township budget, most likely resulting in a layoff of personnel.
Pontiac	Goes to general revenue fund.		Would greatly affect the community and allow operator companies to take advantage of the community as a whole.
Kentwood	\$375,000 in total revenue. 37% (\$139,000) goes to running the local government access channel, 63% (\$236,000) goes into the general revenue fund.		Income that would be lost to the general revenue fund is used to cover 2 police officers.
Meridian	Franchise fees are used to encourage the use of Public Access and viewership of educational and government channels, to oversee the administration and implementation of the franchise agreement, and to operate HOM-TV, Meridian Township Government Television Channel.	During election time, residents are more informed about the candidates that they are voting for as a result of watching interviews and debates on the government channel. Viewers also see the township meetings and public affairs programming to be involved in their community.	Currently, the Meridian Township general fund receives 20% of the franchise fee. The Township would be unable to support the government channel, and would have to lay off 3 full-time and one part-time persons. Elimination of funding would cease community programming, live meeting coverage or public affairs programming to residents.
Flushing	Franchise fees are used to supplement the operating costs of the right-of-way and the general revenue fund.		Loss of the franchise fee would impact the cost of road replacement. The annual road paving program is affected as work around the underground cable wiring requires repair on a street by street basis.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	How are Revenues Spent?	Local Benefits of Revenue	Loss of Franchise Effect on General Fund?
Utica	Goes to general revenue fund.		
Houghton	Goes to general revenue fund.		Would reduce the general fund by \$17,000 per year.
Laingsburg	Goes to general revenue fund.		City would be forced to reduce general revenue fund expenditures.
Detroit (I)	Funds the Cable Commission's Regulatory and Compliance activities, PEG access channels and Media Productions services, and the general revenue fund supporting City departments, (e.g., Police, Fire, etc.)	Helps provide a GED program. Programming of Mayor's Time, City Council, Town Hall meetings, School Board meetings, and the Public Benefit (PBC) has provided direct benefits to the residents of Detroit. These programs are educational as well as informative tools that aid and direct our residents in life choices	<ol style="list-style-type: none"> 1. Resulting in a loss in excess of \$4 million dollars annually to the City's General Fund that would adversely affect the Cable Commission's Regulatory and Compliance activities, public, education and government access channels and media production services, and general fund departments such as Police, Fire, etc. Jobs would be eliminated and services dissolved. 2. The loss of franchise fees may stifle the Cable Commission's ability to resolve cable complaints from the subscribers. 3. The loss of franchise fees could potentially cripple the City's ability to communicate critical information to residents (e.g., public safety, emergency preparedness and other services).
Detroit (II)			<ol style="list-style-type: none"> 4. It would potentially eliminate a public forum where subscribers have access to the regulatory body and operator management to discuss programming and other issues. 5. The educational community would have reduced access to the homes of students and others to communicate institutional and academic information. 6. Public access in its current form could be severely reduced or eliminated. 7. Hands-on training classes for public access users could be eliminated or severely reduced, which may result in less community programming and limit the community's voice on cable television.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	How are Revenues Spent?	Local Benefits of Revenue	Loss of Franchise Effect on General Fund?
Detroit(III)			<p>8. Disabled and/or senior viewers would have reduced access to current government, educational and civic programs, events, issues, etc.</p> <p>9. It would reduce the opportunities of the community, especially young people, to learn about opportunities in the broadcast media.</p> <p>10. Community Access to broadcast services, via Internet connection in recreation facilities and libraries will be eliminated.</p> <p>11. Emergency Broadcast capabilities would be eliminated. These services were critical during the 2003 blackout.</p> <p>12. Monitoring of the cable system would be stymied because of reduced resources.</p>
Detroit (IV)			<p>13. Rate regulation and assurance that the operator provides services within legal limitations may be thwarted (e.g., subscriber refunds).</p> <p>14. Cable drops to hundreds of schools, recreation centers, libraries, and government buildings could be reduced/eliminated.</p>
Richmond	100% of fees go to the city's cable services department's budget for operations.		Community events would not receive television coverage of any kind.
Buchanan	Goes to general revenue fund.		Would adversely effect general fund.
Milford	Goes to general revenue fund and PEG related operating expenses.	Provides a television studio for high school students and cameras for use by local organizations.	Franchise fees represents 2.8% of the general revenue fund. The city would not be able to operate the television studio at the high school.
Hazel Park	Goes to equipment, vehicle and salary expenses for cable operations.		Would be unable to provide governmental, emergency, community and educational information.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	How are Revenues Spent?	Local Benefits of Revenue	Loss of Franchise Effect on General Fund?
Plymouth Township	Goes to general revenue fund.	Pays for three public safety officials (police/fire).	Would lose \$300,000 annually from the general revenue fund.
Clinton	Right-of-way maintenance and franchise issues.		
Mt. Morris	Funds right-of-way maintenance		It would reduce maintenance of the right-of-ways.
Midland	Franchise fees go entire to fund public, education and government access channels.	Supplies wages for four full-time city employees and money spent within the community to support public access services (equipment, operating supplies, office supplies, maintenance, etc).	It would require the use of general revenue fund money to support PEG access.
Grand Haven	Goes to general revenue fund.		It would drive a wedge in city's budget.
South Lyon	1% of the 5% fee collected is allocated to the school system for equipment, training and teaching with regard to PEG channels.		It would reduce already declining revenues and reduce delivery of public access in the future.
Howell	Goes to general revenue fund as well as community access channel needs and administration	Provides community access channel hardware and software and for administration of the access channel.	
St. Joseph	Goes to general revenue fund.		General fund would lose \$60,000/ year.
Birmingham	Goes to general revenue fund. Provides for operational services such as management public rights-of-way by the Engineering Department staff to ensure the utility's use of the rights-of-way are in accordance with city requirements.	In 2005 the city received over \$188,000 in franchise fees.	The cost of providing operational services to rights-of-way would shift to the taxpayers, thereby subsidizing, or even funding, utility's use of the rights-of-way.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	How are Revenues Spent?	Local Benefits of Revenue	Loss of Franchise Effect on General Fund?
Wyoming	37% of one year's gross revenue goes to WKTV, the remainder goes to the general revenue fund.		Loss of funding to public access station.
White Lake Township	Goes to general revenue fund.	Provides for employee salaries.	Would result in layoffs
Grosse Pointe Woods	Goes to general revenue fund.		Would lose about \$750,000 per year.
Grand Rapids	City contracts with a non-profit organization to administer Public Access. The non-profit receives 2% of gross subscriber revenue, or 40% of cable franchise fees. The city places the remaining 3% of gross subscriber revenue and 60% of franchise fees into the general revenue fund. The cable Television Administration Office, including the government access operation, is funded by general revenue fund.	Local benefits include those previously mentioned, such as public and governmental access, closed circuit training and funding for the Office of Cable Television Administration. Also funds, the City's Engineers Office, street lighting, Department of Public Works, and other general fund departments.	The city's general revenue fund would lose in excess of 1.4 million of dollars. Without this funding, the Public Access operation and the Office of Cable Television Administration, including the Government Access operation, would most likely be discontinued. Fees also fund other City departments in excess of \$500,000per year.
Warren	Supports local cable programming and cable related communication services.		Loss of funding for council meeting broadcasts and replays, equipment and facilities, community awareness services and emergency services.
Canton	Funds communications/cable programs.	Allows local news and meetings to be covered.	It would threaten cable and communications operations
Southfield	5% franchise fees pays for government access, regulation & programming. 3% of gross revenues received go into the general revenue fund	The franchise fee wholly supports the city's Human Services program, a program staffed by social workers and counselors which provides assistance to needy residents.	Loss of franchise fees would lead to shut down of the cable operation. There would also be a \$440,000 loss to the general fund, which could result in layoffs or loss of services equating up to 4 police officers.

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	How are Revenues Spent?	Local Benefits of Revenue	Loss of Franchise Effect on General Fund?
Romulus	60% Funds the cable department and 40% goes to the general revenue fund.		Would not be able to run government or public access channels.
Livonia	Funds local government channel. Also provides for general revenue fund to support police, fire, public services, etc.	Funds municipal (government) channel would no longer be financially feasible.	Could impact ability to provide services funded by general revenue fund including fire, police, public services, libraries, etc.
Bloomfield Twp	City owns and operates an access studio that produces 450 programs. The funds also pay for other communications (i.e. township newsletter, website, etc.)	Funds cable studio staff and operation costs, township newsletter and website.	Would be a huge blow to the budget (an \$800,000 loss). The 450 community based programs and township newsletter and website would disappear.
Jackson	Cable activities and general revenue fund		Would result in reduced services.
Coldwater	Right-of-way maintenance and general revenue fund.		Would lose approximately \$70,000 per year.
Village of Lexington	Allows community to maintain public access channel and provides a contingency for legal services in case of further negotiation.		Would be forced to disband community access channel.
Madison Heights	No restrictions on application of funds.		Losing franchise fees from Comcast and WOW would be a devastating blow, losing \$300,000 in annual revenue.
Gaylord	City has yet to receive funding (new franchise 7/1/05).		Anticipate \$30-40,000 in franchise fees to replace the general revenue fund losses resulting from revenue sharing.
Kent	Used for streets and other public places as well as maintenance, supervision and regulation of the cable system.		

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	How are Revenues Spent?	Local Benefits of Revenue	Loss of Franchise Effect on General Fund?
Birmingham Area Cable Board (represents Birmingham, Beverly Hills, Franklin & Bingham Farms)	Franchise fees are deposited into the City's General Fund. This fund provides for operational services such as managing public rights-of-way by the Engineering Department staff to ensure the utility's use of the rights-of-way are in accordance with city requirements. Franchise fees have been an integral part of funding this operation.	Grants from franchise fees are awarded annually to Birmingham Public Schools from the Cablecasting Board to purchase equipment for cablecasting, equipment for live production of Board of Education meetings, district-wide remote shoots and editing. All equipment has directly enhanced the education of students by providing equipment for hands on practice and authentic production. All Birmingham Public Schools and facilities have free access to cable television. This is a tremendous benefit for educational instruction. Channels such as The Learning Channel, The Discovery Channel, CNN, and the like are used frequently in classes to enhance instructional content.	If the city were to lose these fees, the costs of providing the services described would shift to taxpayers, forcing them to thereby subsidize the utilities' use of the city's rights-of-way. In 2005 the City of Birmingham alone received approximately \$188,000 in franchise fees to help offset these costs. The Village of Beverly Hills received \$62,000, and stated that departmental budgets or programs would have to be cut without this revenue. The net loss (although less by percent) upon the Villages of Bingham Farms and Franklin would bear an identical affect.
Birmingham Area Cable Board (II)	The local franchise agreement also provides an educational channel for use by Birmingham Public Schools. We use this channel for three purposes: 1. To inform our constituents of what is going on in the Birmingham Public Schools. 2. As an extension of the Birmingham Public Schools into the home market. 3. To provide a forum for our student's work.	Cable franchise fees contribute toward the administration of Birmingham Area Cable Board and the City's efforts in maintaining and monitoring public rights-of-way. Because the revenues are used as enterprise funds to support these efforts, without the revenues the administration of these services would be borne directly by the municipalities without any offset by the users of these rights-of-way.	

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	How are Revenues Spent?	Local Benefits of Revenue	Loss of Franchise Effect on General Fund?
Montrose	Goes to general revenue fund.		
Cadillac	Part of general revenue fund that supports police and fire, streets, general administration, etc.		It would represent a significant loss in revenues and employees who provide services to the community would have to be laid off.
Vassar	Provides PEG access channel hardware and software upgrades.		
Elsie	Goes to general revenue fund.		

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Additional Comments	Attachments?
Plainfield Charter Township	There is no doubt that the revenue provided by the franchise fee has a substantial positive impact on the services the community provides. Its loss would create significant hardships.	
Union City	Pole attachment fees/rules?	
Saline	If there were no franchise agreements, operators would not negotiate a new franchise agreement in good faith due to uncertainty of authority of local governments.	
Holland (I)	For the City of Holland, the renegotiation of the franchise agreement in the year 2000 was a major issue. They have a locally-owned and operated utility (water, sanitary sewer and electric), that had recently constructed a fiber-optic backbone "loop" around the City. City ordinance requires that all users of fiber optic in the public-right-of-way either utilize the City of Holland's fiber optic system or receive an exemption under the conditions of the ordinance. The intent of the ordinance was to develop a comprehensive fiber optic system in the public right-of-way to provide the best state of the art technology for the community and to reduce the amount of overhead and underground clutter of fiber optic lines. It was an extensive negotiation process, but finally resulted in an agreement between the Holland Board of Public Works and the cable provider to jointly extend the fiber loop and not have separate lines for separate services. This was a major initiative that may not have been possible without some level of local control and involvement. The ability of cities to protect and regulate their rights-of-way is critical.	

Michigan LFA Franchise Survey: Anecdotal Results

Community Name	Additional Comments	Attachments?
Holland (part II)	Also, a pole attachment fee, payable to the Holland Board of Public Works, for every publicly-owned utility pole to which the cable company attaches, is a part of the franchise agreement – along with applicable regulations.	
Albion	This community has not been able to reach a new agreement since previous lapse of their franchise in 2000.	
Plymouth Township	Should address mapping such that there is no red line drawn down the middle of a road.	
Grand Haven	The city has never denied reasonable access to rights-of-way or had an operator complain. They have a positive and productive relationship with operators and the current management is the result of deregulation and compromise. Rather than relinquish control over city real estate they would rather strive to protect the public's right to oversee and control the highways. The money garnered for system improvement is a puny percentage of the cable revenues relative to the occupation of public property.	
Canton	The taxpayers own and maintain the rights-of-way. This has been expensive and industries seeking special treatment for entrance into the video market are actually asking for subscriber subsidies.	
Coldwater	Local franchising allows customers to have some input on what channels are being offered and exert some control over the quality of services being provided.	

DET0211091865.1

Exhibit A

Bloomfield Township PEG show list

Date	FirstName	Prices	Billing	PhoneSys	CableLines	Suprvsr	NoShow	Tech	CSR	CableTV	ReceptionI	Destruction	Resolution
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1/5/05	Kris	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1/5/05	Marjorie	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1/12/05	John	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1/21/05	Michelle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1/31/05	Nita	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/2/05	Gregory	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1/18/05	Louis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/4/05	Stewart	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/7/05	Dr. Emmett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/22/05	Sandra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/28/05	Laura	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3/3/05	Richard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/3/05	William	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/7/05	James	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/8/05	Andrew	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/8/05	Peggy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/8/05	James	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/11/05	Paul	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/28/05	Maureen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/10/05	Kim	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3/10/05	Joseph	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/15/05	John	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/16/05	Keith	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/28/05	Mary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/11/05	Phylliss	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/13/05	Jim	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/14/05	Delores	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/14/05	Gordon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4/14/05	Richard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/18/05	George	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/18/05	Bob	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/18/05	Winfried	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Date	FirstName	Prices	Billing	PhoneSys	CableLines	Suprvsr	NoShow	Tech	CSR	CableTV	Reception	Destruction	Resolution
4/19/05	Marty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/19/05	Louise	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/19/05	Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/26/05	Alex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/29/05	Richard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/29/05	Debbie	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/29/05	Patricia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5/3/05	Louise	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5/5/05	Herb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/29/05	Ed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5/10/05	Lilly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5/11/05	Antoinette	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/29/05	David	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4/29/05	Ed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5/23/05	Colleen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5/23/05	Walter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5/27/05	Eric	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/1/05	Patricia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/1/05	Robert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/2/05	Jarvis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/6/05	William	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/14/05	Barbara	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/16/05	Joseph	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/23/05	Dave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/24/05	Peggy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/29/05	Bill	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/29/05	Jeff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/30/05	Russ	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/30/05	Caron	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7/12/05	Jean	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7/13/05	Michael	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7/18/05	Anthony	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7/19/05	Peggy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2005CableComplaints

1/23/2006

Date	FirstName	Prices	Billing	PhoneSys	CableLines	Suprvsr	NoShow	Tech	CSR	CableTV	Reception	Destruction	Resolution
7/22/05	Mary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7/27/05	Charles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7/27/05	Michael	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7/29/05	Susan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/3/05	Carolyn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/11/04	Pat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/12/05	Mary Ann	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/16/05	John	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/16/05	Bill	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/18/05	George	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/30/05	Phyllis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/31/05	Dan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/31/05	Norm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/31/05	Tim	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/6/05	Marty	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9/7/05	Maurice	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9/8/05	Susan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/9/05	Carolyn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/12/05	Linda	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/12/05	Denise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/12/05	Tom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/14/05	Catherine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/15/05	Edward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/16/05	Oscar	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/19/05	Louis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/19/05	Time, Inc	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/21/05	Judy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/3/05	Matt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10/4/05	Oscar	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/4/05	Neil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/10/05	Joseph	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/14/05	Pauline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/18/05	Harold	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

2005CableComplaints

1/23/2006

Date	FirstName	Prices	Billing	PhoneSys	CableLines	Suprvsr	NoShow	Tech	CSR	CableTV	Reception	Destruction	Resolution
10/26/05	Christina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/28/05	Sarah	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/31/05	Mary Sue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/2/05	Dolores	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/7/05	Joseph	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11/7/05	Sharon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/9/05	Christina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/10/05	Joe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/10/05	Sarah	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/18/05	Yvonne	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11/18/05	Rene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11/28/05	Joanne	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/29/05	Jack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/29/05	Julius	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12/2/05	Rick	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12/9/05	Jure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12/12/05	Gail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12/12/05	Rita	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12/12/05	Violet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12/13/05	Rene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12/14/05	Jeffrey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12/30/05	Anne	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12/16/05	Harvey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12/22/05	Phyllis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Exhibit B

Bloomfield Township complaint list

Date	Series Title	Time	ML TV 15	18
5/18/05		44:10	<input type="checkbox"/>	<input type="checkbox"/>
3/2/05	A Flash in the Pan	28:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/2/05	A Flash in the Pan	28:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/2/05	A Flash in the Pan	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/9/05	Birmingham Concert Band	1:34:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5/29/05	Birmingham Concert Band	1:02:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/13/05	Birmingham Concert Band	1:29:15	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/24/05	Birmingham Concert Band	1:23:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/22/05	Birmingham Historical	49:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2/9/05	Birmingham Historical Society	1:42:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10/12/05	Birmingham Historical Society	1:59:30	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9/14/05	Birmingham Historical Society	1:45:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5/25/05	Birmingham Historical Society	1:30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5/1/05	Birmingham Ice Show	2:20:10	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5/11/05	Birmingham Ice Show #2	2:25:15	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1/13/05	Birmingham Musicale	44:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/21/05	Birmingham Musicale	2:00:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/13/05	Birmingham Musicale	47:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/7/05	Birmingham Musicale	48:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/10/05	Birmingham Musicale	1:01:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/10/05	Birmingham Musicale	21:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/10/05	Birmingham Musicale	1:01:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12/8/05	Birmingham Musicale	48:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/16/05	Birmingham Optimist Club	1:12:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1/21/05	Birmingham Republican Women's Club	27:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/22/05	Birmingham Republican Women's Club	47:15	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/21/05	Birmingham Republican Women's Club	26:30	<input type="checkbox"/>	<input type="checkbox"/>
9/15/05	Birmingham Republican Women's Club	32:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/6/05	Birmingham Youth Assistance	34:40	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9/9/05	Birmingham-Bloomfield Arts Center	33:05	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3/18/05	Birmingham-Bloomfield Arts Center	25:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4/14/05	Birmingham-Bloomfield Community Coaliti	52:30	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6/10/05	Birmingham-Bloomfield Community Coaliti	1:59:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1/14/05	Birmingham-Bloomfield Community Coaliti	2:02:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/29/05	Birmingham-Bloomfield Community Coaliti	1:35:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2/4/05	Birmingham-Bloomfield Community Coaliti	58:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1/17/05	Birmingham-Bloomfield Race Relations &	1:23:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5/8/05	Birmingham-Bloomfield Symphony Orches	1:47:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/23/05	Birmingham-Bloomfield Symphony Orches	1:33:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/27/05	Birmingham-Bloomfield Symphony Orches	1:45:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12/29/05	Birmingham-Bloomfield Symphony Orches	1:39:40	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/10/05	Birmingham-Bloomfield Symphony Orches	1:25:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1/23/05	Bloomfield Historical Society	1:13:00	<input type="checkbox"/>	<input type="checkbox"/>
5/22/05	Bloomfield Historical Society	60:00	<input type="checkbox"/>	<input type="checkbox"/>
3/17/05	Bloomfield Republican Women's Club	59:00	<input type="checkbox"/>	<input type="checkbox"/>
10/11/05	Bloomfield Republican Women's Club	36:00	<input type="checkbox"/>	<input type="checkbox"/>

Date	Series Title	Time	ML-TV-15	18
11/15/05	Bloomfield Republican Women's Club	41:00	<input type="checkbox"/>	<input type="checkbox"/>
9/14/05	Bloomfield Republican Women's Club	48:30	<input type="checkbox"/>	<input type="checkbox"/>
5/19/05	Bloomfield Republican Women's Club	51:00	<input type="checkbox"/>	<input type="checkbox"/>
2/15/05	Bloomfield Republican Women's Club	42:00	<input type="checkbox"/>	<input type="checkbox"/>
1/12/05	Bloomfield Schools	40:00	<input type="checkbox"/>	<input type="checkbox"/>
7/19/05	Bloomfield Township Public Library	00:08:25	<input type="checkbox"/>	<input type="checkbox"/>
6/23/05	Bloomfield Township Today	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/23/05	Bloomfield Township Today	30:00	<input type="checkbox"/>	<input type="checkbox"/>
10/5/05	Bloomfield Township Today	28:59	<input type="checkbox"/>	<input type="checkbox"/>
11/8/05	Bloomfield Township Today	25:00	<input type="checkbox"/>	<input type="checkbox"/>
12/6/05	Bloomin' Tots Presents	1:13:00	<input type="checkbox"/>	<input type="checkbox"/>
1/7/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/8/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
11/4/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
11/4/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/3/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
1/7/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
10/14/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/3/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
8/5/05	Bottom Line	29:30	<input type="checkbox"/>	<input type="checkbox"/>
12/2/05	Bottom Line	29:30	<input type="checkbox"/>	<input type="checkbox"/>
5/13/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
8/5/05	Bottom Line	29:30	<input type="checkbox"/>	<input type="checkbox"/>
2/4/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
2/4/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/8/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
5/13/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
9/9/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
9/9/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/2/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/4/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/4/05	Bottom Line	30:00	<input type="checkbox"/>	<input type="checkbox"/>
9/8/05	Center for New Thinking	1:41:00	<input type="checkbox"/>	<input type="checkbox"/>
8/18/05	Center for New Thinking	1:46:00	<input type="checkbox"/>	<input type="checkbox"/>
10/27/05	Center for New Thinking	1:44:00	<input type="checkbox"/>	<input type="checkbox"/>
9/1/05	Center for New Thinking	1:37:30	<input type="checkbox"/>	<input type="checkbox"/>
6/2/05	Center for New Thinking	1:44:30	<input type="checkbox"/>	<input type="checkbox"/>
4/7/05	Center for New Thinking	1:44:00	<input type="checkbox"/>	<input type="checkbox"/>
9/15/05	Center for New Thinking	1:52:00	<input type="checkbox"/>	<input type="checkbox"/>
3/17/05	Center for New Thinking	1:45:00	<input type="checkbox"/>	<input type="checkbox"/>
3/24/05	Center for New Thinking	1:44:00	<input type="checkbox"/>	<input type="checkbox"/>
10/20/05	Center for New Thinking	1:45:00	<input type="checkbox"/>	<input type="checkbox"/>
8/25/05	Center for New Thinking	1:33:00	<input type="checkbox"/>	<input type="checkbox"/>
9/22/05	Center for New Thinking	1:38:30	<input type="checkbox"/>	<input type="checkbox"/>
5/12/05	Center for New Thinking	57:00	<input type="checkbox"/>	<input type="checkbox"/>
6/9/05	Center for New Thinking	1:51:03	<input type="checkbox"/>	<input type="checkbox"/>

Date	Series Title	Time	ML TV 15	18
3/31/05	Center for New Thinking	1:42:00	<input type="checkbox"/>	<input type="checkbox"/>
6/23/05	Center for New Thinking	1:44:15	<input type="checkbox"/>	<input type="checkbox"/>
9/29/05	Center for New Thinking	1:40:00	<input type="checkbox"/>	<input type="checkbox"/>
6/16/05	Center for New Thinking	1:45:00	<input type="checkbox"/>	<input type="checkbox"/>
10/6/05	Center for New Thinking	1:40:30	<input type="checkbox"/>	<input type="checkbox"/>
6/30/05	Center for New Thinking	1:43:30	<input type="checkbox"/>	<input type="checkbox"/>
2/10/05	Center for New Thinking	1:41:00	<input type="checkbox"/>	<input type="checkbox"/>
4/28/05	Center for New Thinking	1:37:00	<input type="checkbox"/>	<input type="checkbox"/>
5/5/05	Center for New Thinking	1:51:30	<input type="checkbox"/>	<input type="checkbox"/>
11/17/05	Center for New Thinking	1:40:00	<input type="checkbox"/>	<input type="checkbox"/>
2/24/05	Center for New Thinking	1:39:30	<input type="checkbox"/>	<input type="checkbox"/>
12/8/05	Center for New Thinking	1:39:00	<input type="checkbox"/>	<input type="checkbox"/>
12/15/05	Center for New Thinking	1:39:00	<input type="checkbox"/>	<input type="checkbox"/>
4/21/05	Center for New Thinking	1:37:00	<input type="checkbox"/>	<input type="checkbox"/>
2/17/05	Center for New Thinking	1:37:00	<input type="checkbox"/>	<input type="checkbox"/>
5/16/05	Center for New Thinking	1:49:30	<input type="checkbox"/>	<input type="checkbox"/>
1/20/05	Center for New Thinking	1:50:00	<input type="checkbox"/>	<input type="checkbox"/>
3/3/05	Center for New Thinking	1:43:00	<input type="checkbox"/>	<input type="checkbox"/>
2/3/05	Center for New Thinking	1:41:30	<input type="checkbox"/>	<input type="checkbox"/>
1/27/05	Center for New Thinking	1:40:30	<input type="checkbox"/>	<input type="checkbox"/>
3/10/05	Center for New Thinking	1:45:00	<input type="checkbox"/>	<input type="checkbox"/>
11/15/05	Center for New Thinking	1:23:00	<input type="checkbox"/>	<input type="checkbox"/>
5/19/05	Center for New Thinking	1:45:00	<input type="checkbox"/>	<input type="checkbox"/>
4/14/05	Center for New Thinking	1:42:00	<input type="checkbox"/>	<input type="checkbox"/>
1/13/05	Center for New Thinking	1:30:30	<input type="checkbox"/>	<input type="checkbox"/>
2/9/05	Christ Church Cranbrook	1:14:30	<input type="checkbox"/>	<input type="checkbox"/>
5/15/05	City of Birmingham	29:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3/17/05	City of Birmingham	16:45	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11/11/05	Daughters of the American Revolution	34:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/19/05	Detroit Skate Club	30:00	<input type="checkbox"/>	<input type="checkbox"/>
11/8/05	Dining Out	28:45	<input type="checkbox"/>	<input type="checkbox"/>
6/28/05	Dining Out	29:00	<input type="checkbox"/>	<input type="checkbox"/>
12/9/05	Dining Out	27:45	<input type="checkbox"/>	<input type="checkbox"/>
11/28/05	Dining Out	27:30	<input type="checkbox"/>	<input type="checkbox"/>
6/13/05	Dining Out	28:00	<input type="checkbox"/>	<input type="checkbox"/>
8/26/05	Dining Out	26:45	<input type="checkbox"/>	<input type="checkbox"/>
8/10/05	Dining Out	28:00	<input type="checkbox"/>	<input type="checkbox"/>
4/15/05	Dining Out	28:00	<input type="checkbox"/>	<input type="checkbox"/>
4/25/05	Dining Out	28:00	<input type="checkbox"/>	<input type="checkbox"/>
6/6/05	Dining Out	28:00	<input type="checkbox"/>	<input type="checkbox"/>
11/4/05	Dining Out	27:00	<input type="checkbox"/>	<input type="checkbox"/>
9/28/05	Dining Out	28:00	<input type="checkbox"/>	<input type="checkbox"/>
7/20/05	Everyday People	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/4/05	Everyday People	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5/5/05	Everyday People	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/3/05	Everyday People	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Date	Series Title	Time	ML TV 15	18
11/22/05	Everyday People	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/22/05	Everyday People	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/30/05	Everyday People	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/30/05	Everyday People	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/7/05	Everyday People	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/7/05	Everyday People	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/4/05	Everyday People	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5/5/05	Everyday People	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/4/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3/4/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10/21/05	Eye on Oakland	30:15	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10/21/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3/4/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1/28/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6/24/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5/13/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6/24/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/29/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6/24/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8/19/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8/19/05	Eye on Oakland	30:30	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8/19/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5/13/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4/8/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1/28/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4/8/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1/28/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10/21/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4/8/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5/13/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11/18/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11/18/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11/18/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/29/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/29/05	Eye on Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/13/05	Franklin Arts Council	1:03:28	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4/7/05	Franklin Nature Series	1:30:55	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5/3/05	Franklin Nature Series	1:00:45	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4/14/05	Franklin Nature Series	26:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4/25/05	Franklin Nature Series	1:27:40	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6/30/05	Global Connections	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/30/05	Global Connections	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/30/05	Global Connections	29:30	<input type="checkbox"/>	<input type="checkbox"/>
6/30/05	Global Connections	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/30/05	Global Connections	30:00	<input type="checkbox"/>	<input type="checkbox"/>
9/29/05	Global Connections	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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8/22/05	Global Connections	26:00	<input type="checkbox"/>	<input type="checkbox"/>
11/7/05	Global Connections	29:30	<input type="checkbox"/>	<input type="checkbox"/>
4/20/05	Greater Bloomfield Senior Association	1:20:15	<input type="checkbox"/>	<input type="checkbox"/>
3/10/05	H2Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3/10/05	H2Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4/6/05	H2Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2/9/05	H2Oakland	28:30	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2/9/05	H2Oakland	28:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4/6/05	H2Oakland	30:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11/1/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
5/4/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
5/4/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
5/4/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/16/05	Health Talk	29:00	<input type="checkbox"/>	<input type="checkbox"/>
3/16/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
9/23/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
5/4/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
11/1/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
9/23/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
1/11/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/16/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
1/11/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
9/23/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
8/31/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/9/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/1/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
8/31/05	Health Talk	28:30	<input type="checkbox"/>	<input type="checkbox"/>
12/9/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/1/05	Health Talk	29:00	<input type="checkbox"/>	<input type="checkbox"/>
8/31/05	Health Talk	29:00	<input type="checkbox"/>	<input type="checkbox"/>
5/4/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/1/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/9/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/1/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
2/16/05	Health Talk	30:00	<input type="checkbox"/>	<input type="checkbox"/>
2/3/05	In Season	28:00	<input type="checkbox"/>	<input type="checkbox"/>
2/3/05	In Season	30:00	<input type="checkbox"/>	<input type="checkbox"/>
10/10/05	In Season	28:00	<input type="checkbox"/>	<input type="checkbox"/>
5/9/05	In Season	29:00	<input type="checkbox"/>	<input type="checkbox"/>
4/26/05	In Season	30:00	<input type="checkbox"/>	<input type="checkbox"/>
9/26/05	In Season	30:00	<input type="checkbox"/>	<input type="checkbox"/>
10/10/05	In Season	30:00	<input type="checkbox"/>	<input type="checkbox"/>
7/18/05	In Season	26:10	<input type="checkbox"/>	<input type="checkbox"/>
4/28/05	In Season	31:00	<input type="checkbox"/>	<input type="checkbox"/>
5/17/05	In Season	29:30	<input type="checkbox"/>	<input type="checkbox"/>
9/26/05	In Season	30:00	<input type="checkbox"/>	<input type="checkbox"/>

Date	Series Title	Time	MLTV 15	18
7/18/05	In Season	30:00	<input type="checkbox"/>	<input type="checkbox"/>
1/18/05	In Season	31:00	<input type="checkbox"/>	<input type="checkbox"/>
11/7/05	In Season	30:00	<input type="checkbox"/>	<input type="checkbox"/>
9/14/05	In Season	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/23/05	In Season	23:30	<input type="checkbox"/>	<input type="checkbox"/>
5/17/05	In Season	25:30	<input type="checkbox"/>	<input type="checkbox"/>
11/7/05	In Season	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/28/05	In Season	27:30	<input type="checkbox"/>	<input type="checkbox"/>
3/21/05	In Season	24:00	<input type="checkbox"/>	<input type="checkbox"/>
9/12/05	In Season	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/21/05	In Season	27:00	<input type="checkbox"/>	<input type="checkbox"/>
5/9/05	In Season	27:30	<input type="checkbox"/>	<input type="checkbox"/>
6/20/05	In the Park Concert	1:55:20	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6/22/05	In the Park Concert	1:53:10	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6/13/05	In the Park Concert	1:48:22:15	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6/28/05	In the Park Concert	1:31:226	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8/10/05	In the Park Concert	1:54:20	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/27/05	In the Park Concert	1:59:25:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8/3/05	In the Park Concert	1:30:40	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8/31/05	In the Park Concert	1:57:20	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/20/05	In the Park Concert	1:55:01:17	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/14/05	In the Park Concert	2:00:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8/24/05	In the Park Concert	2:00:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/6/05	In the Park Concert	1:45:50:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9/29/05	Influential Women	40:58	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12/5/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
8/1/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
3/7/05	Interfaith Odyssey	30:00	<input type="checkbox"/>	<input type="checkbox"/>
9/26/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
5/2/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
9/26/05	Interfaith Odyssey	27:15	<input type="checkbox"/>	<input type="checkbox"/>
9/12/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
5/2/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
5/2/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
2/7/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
7/11/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
6/6/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
12/5/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
6/6/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
2/7/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
2/7/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
12/5/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
11/7/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
7/11/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
7/11/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
1/3/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>

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3/7/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
1/3/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
6/6/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
9/12/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
1/3/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
9/12/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
11/7/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
9/26/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
8/1/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
3/7/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
11/7/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
8/1/05	Interfaith Odyssey	28:00	<input type="checkbox"/>	<input type="checkbox"/>
4/18/05	League of Women Voters	1:29:50	<input type="checkbox"/>	<input type="checkbox"/>
9/19/05	League of Women Voters	2:11:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8/30/05	League of Women Voters	58:30	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8/25/05	League of Women Voters	57:43	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9/19/05	League of Women Voters	1:16:50	<input type="checkbox"/>	<input type="checkbox"/>
10/18/05	Metro Art & Book Talk	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/8/05	Metro Art & Book Talk	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/8/05	Metro Art & Book Talk	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/30/05	Metro Art & Book Talk	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/22/05	Metro Art & Book Talk	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/22/05	Metro Art & Book Talk	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/22/05	Metro Art & Book Talk	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/17/05	Metro Art & Book Talk	30:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12/6/05	Metro Art & Book Talk	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/22/05	Metro Art & Book Talk	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/28/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
5/12/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
2/17/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
2/17/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/3/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/17/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/17/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/3/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/21/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/16/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/16/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/15/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
10/13/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/9/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
8/18/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
10/6/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
10/13/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/21/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
8/11/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>

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4/28/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
8/25/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
8/18/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
8/18/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
10/6/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
11/10/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
1/27/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/9/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
1/27/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/8/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/8/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
11/10/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/15/05	Practical Law	30:00	<input type="checkbox"/>	<input type="checkbox"/>
5/12/05	Private Paradise	26:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7/19/05	Private Paradise	27:41:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7/5/05	Private Paradise	23:50	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/14/05	Private Paradise	23:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/21/05	Private Paradise	27:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12/28/04	Ryder Cup Recap	30:00	<input type="checkbox"/>	<input type="checkbox"/>
9/22/05	Spectacles	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/11/05	Spectacles	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/11/05	Spectacles	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1/19/05	Spectacles	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/22/05	Spectacles	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5/12/05	Spectacles	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/7/05	Spectacles	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/15/05	Spectacles	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/15/05	Spectacles	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/15/05	Spectacles	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/26/05	Spectacles	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1/19/05	Spectacles	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/12/05	Summer in the City	54:30	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/1/05	Summer in the City	60:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/8/05	Summer in the City	58:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/22/05	Summer in the City	56:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/29/05	Summer in the City	47:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8/5/05	Summer in the City	1:00:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8/26/05	Summer in the City	59:49:10	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/26/05	Talk of the Town	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/19/05	Talk of the Town	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/25/05	Talk of the Town	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/1/05	Talk of the Town	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/27/05	Talk of the Town	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/1/05	Talk of the Town	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/10/05	Talk of the Town	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/15/05	Talk of the Town	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Date	Series Title	Time	ML TV 15	18
10/25/05	Talk of the Town	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11/22/05	Talk of the Town	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5/17/05	Talk of the Town	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4/13/05	Talk of the Town - Special	30:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/28/05	TCH & Birmingham Youth Assistance	1:47:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7/7/05	TCH Day Camp	1:10:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7/28/05	TCH Day Camp	55:15	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/17/05	TCH Influential Women	48:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1/13/05	TCH Influential Women	44:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/22/05	TCH Senior Women's Club	52:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/27/05	TCH Senior Women's Club	1:00:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/11/05	TCH Senior Women's Club	33:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1/25/05	TCH Senior Women's Club	54:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2/8/05	TCH Senior Women's Club	45:15	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/13/05	TCH Senior Women's Club	55:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/22/05	TCH Senior Women's Club	27:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/23/05	TCH Senior Women's Club	58:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12/13/05	TCH Senior Women's Club	30:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5/24/05	TCH Senior Women's Club	54:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8/9/05	TCH Senior Women's Club	1:00:35	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/8/05	TCH Senior Women's Club	56:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/28/05	TCH Senior Women's Club	60:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6/14/05	TCH Senior Women's Club	55:05	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7/12/05	TCH Senior Women's Club	39:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7/26/05	TCH Senior Women's Club	53:32	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/19/05	TCH Sharing & Caring Cancer Symposium	1:15:15	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/19/05	TCH Sharing & Caring Cancer Symposium	1:45:20	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/19/05	TCH Sharing & Caring Cancer Symposium	1:07:00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10/27/05	TCH Storytellers Guild	55:30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3/31/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/20/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/4/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/4/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/4/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/1/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/1/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/1/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/31/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/22/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/21/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/31/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/19/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/19/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/20/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/21/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/5/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>

Date	Series Title	Time	MLTV 15	18
12/22/05	Time Out for Opera	29:30	<input type="checkbox"/>	<input type="checkbox"/>
12/21/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/19/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/20/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/5/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/5/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/5/05	Time Out for Opera	30:00	<input type="checkbox"/>	<input type="checkbox"/>
1/20/05	United Home Owners Association	60:00	<input type="checkbox"/>	<input type="checkbox"/>
5/19/05	United Home Owners Association	60:00	<input type="checkbox"/>	<input type="checkbox"/>
10/20/05	United Home Owners Association	59:00	<input type="checkbox"/>	<input type="checkbox"/>
4/6/05	United Way	19:15	<input type="checkbox"/>	<input type="checkbox"/>
5/30/05	Village of Beverly Hills 2005 Parade	34:45	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/28/05	Village of Beverly Hills Concert	1:43:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/21/05	Village of Beverly Hills Concert	1:42:30	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7/7/05	Village of Beverly Hills Concert	1:34:30	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9/5/05	Village of Franklin	25:30	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4/19/05	Volunteer Oakland	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/19/05	Volunteer Oakland	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/1/05	Volunteer Oakland!	30:00	<input type="checkbox"/>	<input type="checkbox"/>
2/15/05	Volunteer Oakland!	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/1/05	Volunteer Oakland!	30:00	<input type="checkbox"/>	<input type="checkbox"/>
2/15/05	Volunteer Oakland!	30:00	<input type="checkbox"/>	<input type="checkbox"/>
11/23/05	What's Faith Got to Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/9/05	What's Faith Got To Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/30/05	What's Faith Got to Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
3/14/05	What's Faith Got To Do With it Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
4/22/05	What's Faith Got To Do With it Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
5/11/05	What's Faith Got To Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
1/26/05	What's Faith Got To Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/29/05	What's Faith Got to Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
1/12/05	What's Faith Got To Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
2/2/05	What's Faith Got To Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
7/13/05	What's Faith Got to Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
11/23/05	What's Faith Got to Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
8/30/05	What's Faith Got to Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
10/31/05	What's Faith Got to Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/22/05	What's Faith Got To Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
8/17/05	What's Faith Got to Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
8/17/05	What's Faith Got to Do With It Anyway?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
12/14/05	What's Faith Got to Do With It?	30:00	<input type="checkbox"/>	<input type="checkbox"/>
10/7/05	Women Officials Network	30:00	<input type="checkbox"/>	<input type="checkbox"/>
6/10/05	Women Officials' Network	41:00	<input type="checkbox"/>	<input type="checkbox"/>
12/2/05	Women Officials' Network	47:12	<input type="checkbox"/>	<input type="checkbox"/>
3/4/05	Women Officials' Network	30:00	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit C

Gerrymandering Ameritech Map

Former Ameritech New Media Cable Franchises, now WOW

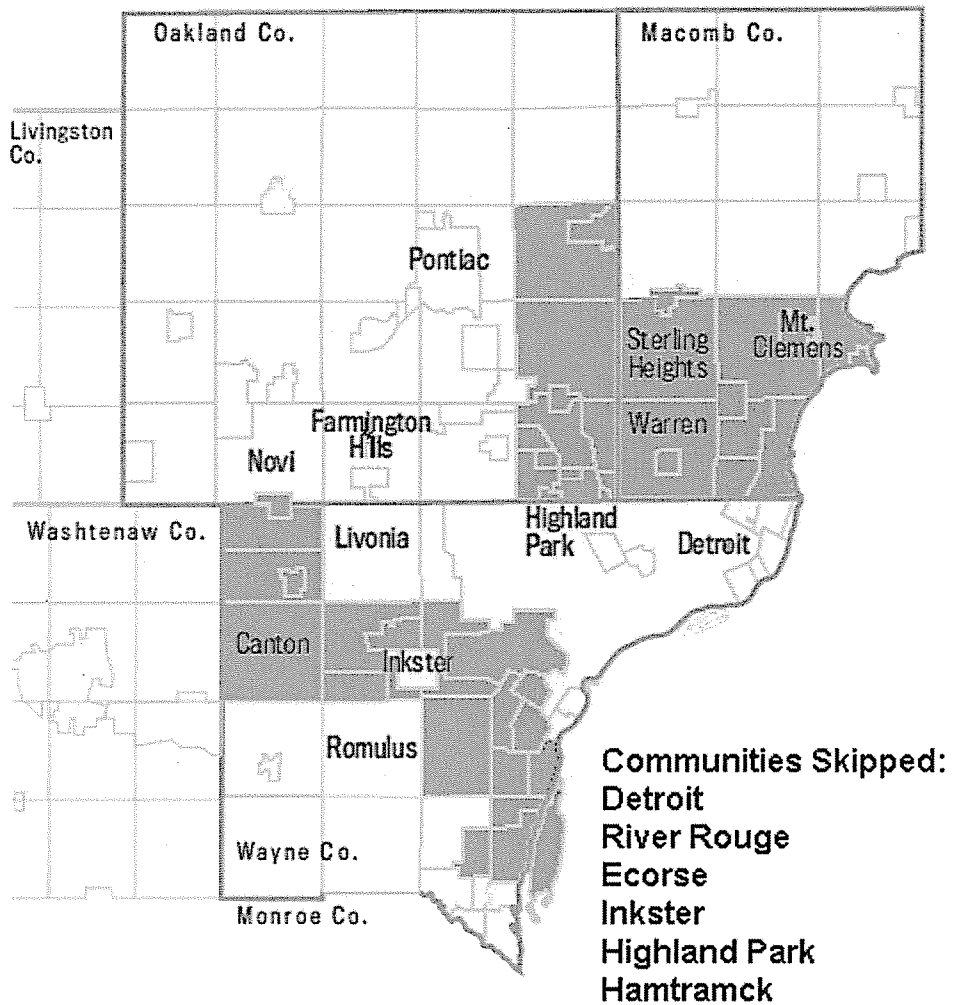


Exhibit D

Livonia town meeting minutes

**MINUTES OF THE 913th PUBLIC HEARINGS AND REGULAR MEETING
HELD BY THE CITY PLANNING COMMISSION
OF THE CITY OF LIVONIA**

On Tuesday, September 20, 2005, the City Planning Commission of the City of Livonia held its 913th Public Hearings and Regular Meeting in the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan.

Mr. John Walsh, Chairman, called the meeting to order at 7:30 p.m.

Members present:	Robert Alanskas	William LaPine	R. Lee Morrow
	Dan Piercecchi	H. G. Shane	Carol Smiley
	John Walsh		

Members absent: None

Messrs. Mark Taormina, Planning Director; Al Nowak, Planner IV; Scott Miller, Planner III; Ms. Debra Walter, Clerk-Typist II, and Ms. Marge Watson, Program Supervisor, were also present.

Mr. Walsh: Welcome to the 913th Public Hearings and Regular Meeting of the Livonia City Planning Commission. Thank you all for being here tonight. We have three related items on the agenda tonight: two public hearings and a request for site plan approval, as well as the approval of our minutes from the August 23rd meeting. All items on the agenda will be subject to a vote of the Planning Commission this evening. The Planning Commission and the professional staff have reviewed each of these petitions upon their filing. The staff has furnished the Commission with both approving and denying resolutions which the Commission may, or may not, use depending on the outcome of the proceedings tonight. Please note that the Planning Commission is a recommending body. Final determination with regard to the first three items on the agenda will be made by the Livonia City Council. Resolutions adopted by the City Planning Commission tonight will become effective seven days after the date of adoption. We will begin with our meeting with the public hearing items. Consistent with Planning Commission rules and procedures, and to accommodate all who may wish to speak this evening on any of the items before us tonight, the following procedure will apply. Each item on the agenda must be introduced and voted on separately. The Planning Staff will present each item upon its introduction. Commissioners may or may not have questions for the Planning Staff. The Petitioner will then be introduced and allowed the opportunity to present its petition. Because Items 1, 2 and 3 are interrelated, the Petitioners have indicated that they will provide a comprehensive review of all items during presentation of Item 1. The Planning Commission will permit the presentation to better our collective understanding of each item. The Planning Commissioners may ask questions of the Petitioner during this presentation. The

questions will focus on the individual item, but may venture to other items if it is determined that the answer is vital to understanding the item under discussion. At the conclusion of questioning by the Commissioners, the Chair will open the public hearing, or audience participation in the case of Item 3, with regard to the item under discussion. In order to hear from everyone who wishes to speak, members of the public wishing to address the Planning Commission will be limited to two minutes each. Three groups, namely the Devon-Aire Civic Association, the Citizens for a Better Livonia, and the Clements Circle Civic Association, have each requested a block of time to provide a presentation, based on the representation that they will be speaking on behalf of residents in their respective organizations. Each group has requested the opportunity to address various aspects of all three items during the Public Hearing on Item 1. They will be allowed to do so for the same reasons articulated with regard to the Petitioners' desire to address all during Item 1. Citizens for a Better Livonia has requested 20 minutes for their presentation, with an additional 5 - 10 minutes for several individuals to address additional items afterward. We will accommodate that. Devon-Aire has requested 15 minutes and Clements Circle has requested 10 minutes. These accommodations have been granted in the interest of greater communication on behalf of each organization. As such, it is the Planning Commission's express understanding that members of those organizations have agreed to the collective presentation and will refrain from individual comments throughout our proceedings this evening. Upon conclusion of the group presentations, the floor will be open to the audience for additional commentary from individuals presumably not part of the groups that I have identified. Again, each individual will be limited to two minutes. Comments will be restricted to the specific item before the Planning Commission. The Chairman will close the public hearing, at which point the Petitioner will have a brief opportunity to offer any closing comments and respond to any additional questions from the Commission. Given the anticipated length of the presentation from Item 1, the Petitioner's closing comments and the Commission's discussion will be limited to the specific item in question. A motion would then be introduced and voted upon, and the next item would then be read into the record. Public participation on the following two items will be limited to new information only. In addition to the foregoing procedure, please note the following. The Planning Commission's responsibility begins and ends with the laws of the City of Livonia and application of the same to the petitions before us. We will address only those issues that are within our authority and will reach a conclusion based on reason and law. Debate between the public and the Petitioners will not be permitted. This meeting is for the Planning Commission to learn more about the petition and to receive public commentary prior to its vote. We expect that all participants in the meeting this evening will proceed in a respectful manner. Please respect others while speaking, refrain from commenting unless recognized, and refrain from cheering or jeering comments throughout the evening. Rude, personal and offensive remarks will not be tolerated and may result in a person being ruled out of order. As some of you may know, a few residents and the media have raised the issue of race. This is unfortunate. The issue of race has not, and will not,

have an impact on our decision this evening. I think I can safely speak for my colleagues, the Council and the Mayor as well. We consider it a shame that the few can malign the reputation of our entire City and its citizens. I recommend that those harboring racist fears keep such thoughts to themselves. With that, I am going to turn the floor over to Mr. Morrow who has asked to make a couple of comments.

Nathan Storey, 9631 Deering. My neighbors have done a very good job at addressing why this development is not harmonious with the neighborhood surrounding it. I want to call attention to the fact that the Wonderland Mall site has always been a regional site, a regional destination and the developers are talking about it being, with the new Wal-Mart and the Kmart and the village being a regional destination. So I think we need to consider, is this good for the region as well. I think this. We do need to address the Wal-Mart politics questions because the trend of retail stores providing very low wage jobs does not help this region. We need a living wage and Wal-Mart and this development does not help it. I'm singling out Wal-Mart because there is a big case against them. We can look at their track record in other communities and what wages they provide and what health care they provide. We can look at their track record in our community, and I think we owe it to this region to develop in such a way that we are providing a better life for other people, and this trend of putting more and more retail stores to provide low income wages is not the answer. I think the real question here is, we need to have broader vision. We need to really imagine what this site can be. We need to do something with it. I'm not against doing something with it. I think there can be something a lot better there. I would like to see more of my fellow citizens involved in what do we want to do with an important parcel of our land. Now like I said, I think the issues of how the site is not harmonious with the surroundings areas, I would echo the concerns of my fellow neighbors. That's already been addressed, so I think that is evidence enough to vote not on this, but looking into the future, let's see if we can do something better. Let's see if we can really do something innovative, not just build more stores.

Mari McGrabe, 29961 Curtis. I've been in Livonia for nine years, recently moved about three months ago from behind the mall, because I heard this was going to happen. A few things I want to state that I haven't heard tonight is, has it ever been considered to rezone it into residential? I spent six months looking for a home between Plymouth and 96, Middlebelt and Farmington, to keep my kids in the same school district, that was a newer home, 2,000 square foot. Looked for six months, ended up over on Curtis. Couldn't find one. I think that section of Livonia sorely needs new housing and some good stores. We don't need big box stores. We don't need dollar stores. Some housing. The village is a good idea if it's scaled down quite a bit because we do have a lot of empty stores. The other thing is, at one meeting on a

Wednesday night when we met at the Joy Manor, Mr. Schostak spoke about putting in a little police station there, and I was wondering, who's going to pay for that? Is that going to come out of our taxes, and I don't know if we have an answer for that tonight or not, but that's something I'd really be interested in knowing. And thirdly, Meijers. Tonight it was stated that Meijers is Wal-Mart's competition. Meijers is a Michigan-based company and I would like to support Meijers, and I don't want to put a Wal-Mart in there to compete with them. When the lease is up on 96, I hope they go away. Thank you.

Stan Kline, 9945 Hillcrest. I have a lot of concerns. Being a new resident, I've only been in my house for about 15 months. Moving into the neighborhood, I noticed a lot of kids playing like mine. They really enjoy the parks. They enjoy the schools being so close, walking distance. And I've two boys, both of them walk to school. I have a lot of concerns about one of them walking across Middlebelt to Emerson School. With all the increased traffic, the 24-hour operation, I just think that's an accident waiting to happen. Thank you.

Julie Roach, 33306 Hampshire. I've been a Livonia resident my whole life. I'm a homeowner there now for the last three years. A great neighborhood. I love the city. My only concern is that you are planners and I just, I'm hoping that you can think more progressively about what our city needs. I think it needs to have a little bit of revitalization. It's an aging community and the cities that are moving places are the cities that are the cool cities, Plymouth and Royal Oak and things. You have an opportunity to have a progressive site here and maybe get a developer who's a little more progressive that could put a really cool spot in there with some condos and restaurants and things, because right now, I go to Mitchell's and the things up at Haggerty where everybody else is going because there's no where to go. My other concern is that, why do we always have to kind of crap on the south side of Livonia? I feel bad for those people.

~~Eileen Way, 10478 Stark Road~~ Actually, I'm going to be honest. I have been at home listening to this program for about two and half hours. I decided that I needed to get up, and I am a professional and it is way past my bedtime. And the only reason I came is because a few people made comments that affected me, and those comments were: if the people are not here, they must not care or they're silently agreeing. That is untrue. I am at home because . . .

Mr. Alanskas: You know, I think we could get out of here a lot quicker if we leave the applause to the very end of the meeting. Thank you. Go ahead.

Ms. Way: That is untrue because I am at home because I have to be up at 5:30 in the morning to be at my job, which leads me to Wal-Mart. I have worked for a public school, and I am against Wal-Mart completely because of how they treat people. But that's beside the point. The point is, I've lived in Livonia my whole life. I've lived on Stark Road my whole life in three different houses. It was my goal to buy a house on that road, and I have. It took me 32 years but I finally did it. I will not shop at the Wal-Mart at Middlebelt and 96. I go to Canton because the treatment is better. The clientele is better. The Super Wal-Mart won't change it. It will be the same people, the same treatment, and it will be just moved down the road. And I agree with the people that it would be better off getting residents versus a business where all they want is a profit. They are not out for Livonia's best interest. If you want Livonia residents to stay, and a lot of them are elderly, and you want to draw young people to the community, you have to have things for young people to do, not big businesses.

Allison Drake, 27010 Southwestern, Redford. I actually live in Redford. I'm on the Redford/Livonia border. I grew up in Livonia until I could buy a house 10 years ago. Sadly that couldn't be in Livonia. But anyway, I care enough even though I don't live in the actual community, that I came out here tonight and spent how many hours sitting here, and one of the things that I wanted to say is, beyond all the zoning things that everybody has said, you don't pressure a community or your planning commission or a council into approving a development because you're afraid you're not going to find something else, and that's what several people have mentioned. Oh, well, we don't know if we're going to get something else. That's sort of like that old saying, marry in haste, repent at leisure. And all of those people that live behind that site and across the street should be listened to because they're the ones that are going to have to deal with it more than anybody else sitting in this room.

Mike Pavlichek, 9403 Lamont. I'm with the property management firm that manages Livonia's townhouses that are leased right across Middlebelt from Wonderland. When Wonderland was in operation, we paid somebody three times a week to come out there and pick up trash, and it was generally two of the big black garbage bags every time. Since Wonderland has been closed,

we're down to like half a black garbage bag once a week. I would like to go back to the site plan and the green space and everything that's between the parking lot and road and see that area doubled, if possible, or at least built up with enough vegetation to prevent the trash from blowing into the subdivision into our area. Just as an example, last week, since no one shops there anymore, we're picking up sheets from all the cars they're parking there. This is just stuff that's from all those jeeps right now. They're coming out of the cars. They're blowing right across the street. So I'd like to make sure that the site plan has the vegetation to stop this and that they actually police that area to keep it clean. Thank you.

Ralph Leggat, 9890 Seltzer, in the Clement's Circle area. I have a question. I've heard mention of the Plymouth Road Development Authority being contacted and officiating or in some capacity, but I don't know what they're official position is on this development. However, my personal opinion is that a big box store belongs in a big box neighborhood. That was established some time ago over at the old Detroit Race Course site or at another alternative site, say for example, the General Motors distribution site over there at Schoolcraft and Newburgh or at the old Chevrolet Spring and Bumper site up there at Haggerty near the railroad tracks. There are other large acre sites available for a point of destination store. If it is a real point of destination store, it will be successful. Therefore, I would suggest that this authority not issue any waivers for the development of this project. Thank you.

Craig Wasen, 30947 Dalhay. My concern is crime, the Meijers location which is open 24 hours. At our house, we don't go shopping there at night. It's around 12:00 right now and apparently that's one of the critical hours that Wal-Mart needs to have a 24-hour site. You don't feel safe in your car. There's a lot of car jackings, and I don't want my family going there during the hours, you know, the after-hour operations with 24-hour site just for safety. And I would invite anyone to have their family go there and actually feel safe during those hours. Thank you.

Carolyn Dwyer, 9348 California, the state street area. I bought my home three years ago and prior to that grew up in Livonia from the age of 12. I've also been watching with my parents, who also reside in Livonia, by the Millennium Park, and my sister and her family at Six Mile and Farmington. They are not here tonight but they share my concerns as well. I think some of our concerns are based in fear, and I apologize for that, and some are legitimate,

very legitimate, and some maybe not so legitimate. I guess you'll be the judge. But what I ask from you tonight is that you don't let your fears make decisions for you. I think that we can do better in this location. I think Livonia deserves better. I myself am in the construction/architecture industry. I actually was involved in the early planning of Royal Oak when I was at Lawrence Tech and people laughed at that city at that time, and look what they've done. I just ask for vision, kindness and your trust. Thank you very much.

Exhibit E

Detroit's show awards

EXHIBIT A (PAGE 1)

DETROIT PEG AWARDS

NATOA PROGRAMMING AWARDS

1. Year: 1998
Award: Finalist
Category: Documentary-Event Coverage
Submission: "Blitz Build"
2. Year: 1999
Award: Finalist
Category: Documentary-Event Coverage
Submission: "Westsidiers"
3. Year: 2001
Award: Third Place
Category: Instruction/Training
Submission: Employee Orientation Video
4. Year: 2002
Award: Second Place
Category: Performing Arts
Submission: "Detroit Techno Music Festival"
5. Year: 2002
Award: Honorable Mention
Category: Performing Arts
Submission: 2001 Detroit Ford Freedom Awards
6. Year: 2002
Award: Honorable Mention
Category: Public Service Announcement
Submission: Breast Cancer Awareness
7. Year: 2003
Award: Honorable Mention
Category: Ethnic Experience
Submission: Kwanzaa
8. Year: 2003
Award: Honorable Mention
Category: Promotion of a City/County

- Submission: Mayor's Auto Show Welcome to Detroit
9. Year: 2004
Award: Second Place
Category: Promotion of a City/County
Submission: I Love Detroit Promo
- Other Recognition:
10. Year: 1997
Recognition: Certificate of Appreciation from City Clerk Jackie
For support through Media Coverage of CB Patrol
Activities.
11. Year: 1999-2003
Recognition: Appreciation of Support through Media Coverage
for Metro Youth Day activities.
12. Year: 2000-2002
Recognition: Director's Choice Award
Organization/Event: Breithaupt Career Technical Center for dedication
and support for the Betterment of Education
through Media Coverage.
13. Year: 2001
Recognition: Certificate of Appreciation for Support through
Media Coverage from Breithaupt Career Technical
Center for coverage of Test Fest
14. Year: 2002
Recognition: Certificate of Appreciation from Public Benefit
Corporation for Commitment & Support of SCOOP
Programs
15. Year: 2003
Recognition: Plaque of Appreciation from Pearl's 3rd Annual
Family Fun Day

Exhibit F

Letter of invitation

The Livonia letter of invitation

**Farmington Hills resolution about competitive
franchises**

OFFICE OF THE MAYOR

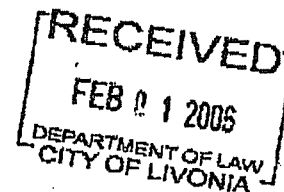
JACK ENGBRETSON
MAYOR



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-8097
(734) 466-2201
FAX: 421-4870

February 1, 2006

Mr. Edward E. Whitacre, Jr.
AT&T Corporate Headquarters
Wentworth Road
Bedminster, NJ 07921



Dear Mr. Whitacre,

The City of Livonia, Michigan believes that having advanced telecommunications services available to our citizens and businesses is essential to our community. Simply, having advanced telecommunications services is a quality of life issue to which we are fully committed.

Since we have not otherwise heard from AT&T, we are extending this invitation to you to consider deploying your most advanced services in our community.

Although it is imperative that any agreement with AT&T be cast in such fashion as to fully protect and preserve our relationship with our present cable operator and the terms of the franchise agreement with them, together with all revenues flowing from same, we are willing to work with AT&T on an expedited basis to generate an agreement that provides the necessary access to our streets and easements. We also commit to cooperate and assist AT&T in the physical act of constructing or upgrading your infrastructure, as we recognize that speed-to-market is a critical element in deciding which communities are selected for investment.

We look forward to hearing from you.

Sincerely,


Jack Engbretson

cc: Mayor, City Council, Law, Finance, Community Resources, Cable
Commission, file

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF FARMINGTON HILLS

RESOLUTION

At a regular meeting of the City Council of the City of Farmington Hills, Oakland County, Michigan, held in the Farmington Hills City Council Chambers at 31555 Eleven Mile Road, Farmington Hills, Michigan, on Monday, September 19, 2005, at 7:30 p.m., with those present and absent being,

PRESENT: AKOURI, BARNETT, BRICKNER, BRUCE, ELLIS, MASSEY AND OLIVERIO

ABSENT: NONE

the following resolution and preamble were offered by Councilperson Brickner and supported by Councilperson Bruce:

WHEREAS, the City of Farmington Hills currently has a non-exclusive franchise agreement with Bright House Networks for cable television services in the City; and

WHEREAS, the franchise and franchise agreement are non-exclusive and the City may award additional cable franchises upon application, qualification and compliance with applicable ordinances; and

WHEREAS, the City Council has, for several years, repeatedly expressed its desire and extended an invitation for competition in the Farmington Hills cable market to other providers in the cable industry, and expressed its willingness to accept the same general terms as are contained in the current franchise agreement with Bright House Networks; and

WHEREAS, it has recently come to the City's attention that newer entrants into the cable television service provider industry, such as SBC and Verizon, have publicly represented that the process of negotiating and obtaining cable franchises with local municipalities is too lengthy, and should therefore give-way to legislation that purports to eliminate local franchising altogether, which would in turn eliminate PEG (public, educational and governmental access) channels and local public control over its own public rights-of-way, among many other consequences that would be detrimental to the public health, safety and welfare; and

WHEREAS, City Council desires to advise SBC and Verizon of the material inaccuracies in its public representations in this regard, and invite these companies (and any other provider not mentioned herein) to apply for a cable franchise in the City of Farmington Hills on the same terms as the existing Bright House Networks franchise agreement; and

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. The City Council of the City of Farmington Hills requests that SBC, Verizon and any other cable provider interested in operating a cable system in the City of Farmington Hills apply for a cable system franchise in the City of Farmington Hills upon receipt of a copy of this Resolution.

2. If the applicant and its submission include a commitment by the cable provider to enter into the same franchise agreement terms as currently exists with the City's present cable provider (identified above) and otherwise qualify and comply with applicable ordinances, the City is willing to take the necessary steps to grant one or more additional cable television system franchises in the City upon such terms and compliance.

3. The City Manager is hereby directed to send copies of this Resolution and the City's existing cable franchise agreement and ordinance to the chief executive officers and presidents of SBC and Verizon, and to make such materials available to any other provider that requests same or expresses an interest in operating a cable television system in the City of Farmington Hills.

AYES: AKOURI, BARNETT, BRICKNER, BRUCE, ELLIS, MASSEY AND OLIVERIO
NAYS: NONE
ABSENT: NONE
ABSTENTIONS: NONE

The Resolution was adopted.

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and appointed City Clerk of the City of Farmington Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on Monday, September 19, 2005, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 20th day of September, 2005.

KATHRYN A. DORNAN, City Clerk
City of Farmington Hills